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ADVISORY COMMITTEE ON SOCIAL QUESTIONS

THE PLACING OF CHILDREN IN FAMILIES

VOLUME I

Fundamental Concepts, Historical
Development, Characteristic Features
in Differing Systems, Principles and
Procedures in the Organisation of
Services

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THE PLACING OF CHILDREN IN FAMILIES

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PREFACE

The study of the placing of children in families originally constituted the fourth stage of the enquiry carried out by the former Child Welfare Committee into the treatment of neglected and delinquent minors. The aim was to amplify the material on the subject of the placing of children in institutions. Accordingly, in 1934, a questionnaire was drawn up and submitted to the States Members of the League of Nations and non-member States. The Committee also expressed the desire that the Secretariat should be authorised to supplement, by enquiry on the spot if necessary, any information it might receive in reply to the questionnaire.

In 1936, the former Child Welfare Committee discussed the question on the basis of three documents—a summary prepared by the Secretariat of the Governments' replies to the questionnaire; a document submitted by the Save the Children International Union, containing an account by specialists and experienced persons of the practices followed in certain countries which, with two exceptions, were not represented on the Committee; and the report containing the conclusions of the Rapporteur, Mme. Vajkai, assessor representing the Save the Children International Union, which was based on a study of the material available. A detailed examination showed that the question could not be confined to the single and somewhat limited aspect of the placing of neglected and delinquent children which had at first been under consideration. The Committee therefore decided that the whole subject should be treated independently, and that any material which had a bearing upon earlier studies should be extracted and dealt with in relation to this question.

At the next stage in this study, it was decided that the work should be continued by more detailed re-examination of the material in hand, and especially of the regulations and the information available relating to methods of administration and

practice. It was agreed that, if necessary, the assistance of voluntary experts in various countries might be enlisted to obtain more detailed information on the practices followed in their respective countries.

To carry out this work, a small Correspondent Sub-Committee was appointed to work with the Rapporteur, and the delegates of the United States of America (Miss Katharine Lenroot) and of Canada (Miss Charlotte Whitton) were requested to serve on this Sub-Committee. At the 1937 session of the new Advisory Committee on Social Questions, the Correspondent Sub-Committee submitted the first chapters of the proposed report and specimens of the description of countries in which preliminary work was completed.

Mme. Vajkai having resigned, Miss Charlotte Whitton, the delegate of Canada, was appointed Rapporteur.

The general plan of the report was modified at this session, and the Correspondent Sub-Committee was requested to communicate the complete documentary material to the Advisory Committee for discussion in 1938.

Mention should be made of the collaboration of the Children's Aid Society of Toronto, Canada, which offered the services of its Director, Mr. Robert E. Mills, and of the Children's Bureau, United States Department of Labor, which placed its important documentary material at the Sub-Committee's disposal and appointed Miss Elsa Castendyck and Mrs. Anna Kalet-Smith to prepare summaries dealing with the practices followed in different countries. The Save the Children International Union also furnished much original data and special information on specific problems in different countries, without which certain parts of the report could not have been completed.

The summaries on the organisation of placing of children in families in various countries have been submitted to the Governments for their approval.

GLOSSARY OF TERMS USED

Social work, unlike medicine, law, education, engineering, etc., has practically no words peculiarly its own, but has made use of those employed in ordinary conversation for its nomenclature. In adapting commonly used words to the technical purposes of social work nomenclature, we must give them special, definite and restricted technical meanings. Failure to recognise this has been the source of most of the loose thinking associated with social welfare work.

While no attempt is made to give complete definitions, the following comments should help to circumscribe the meaning of some of the current terms used here in a technical sense.

CHILD CARE

Care.—Provision for the sum-total of immediate daily needs of a child, such as food, shelter, clothing, management, etc., as distinguished from the provision only of specific goods or services, such as material relief or supervision in the child's own home, or group work in a settlement or clinic service. A child can be considered to be in the "care" of an institution or child-placing agency, but not in the "care" of a family agency, a settlement, a playground or a clinic. A child may be in the care of an organisation, although not in its guardianship. In distinguishing between "care" and mere "supervision" by a child-placing agency, a useful rule is that the child is not in the "care" of the agency if it has not authority to remove him at will and place him elsewhere. Thus a "non-ward" child returned to his own parents may still be under the agency's "supervision", but not in its "care".

Guardianship.—Involves responsibility, control, guidance, planning for the future, parental rights. It involves responsibility for "care", but the direct "care" may be given by an

agency while the "guardianship" still belongs to the parents or even to another agency.

Foster-care.—Used to mean *all* types of care substituted for care in the child's own family or that of immediate relations. It includes as its main divisions institutional care as well as family foster-home care.

FAMILY FOSTER-HOME

Foster-home.—A private family home giving foster-care to children. The classification of foster-homes as "boarding" or "free" is intended chiefly for the purposes of the placing agency, and therefore relates to *the point of view of the agency*. A home that is "free" to the agency may be a "boarding" home from the point of view of both the child and the foster-home, but the agency's view must prevail in giving definite meanings to words for purposes of social work, because it is the agency that is going to use them. This is most important in an agency's statistical statements of population, work and cost.

BOARDING FOSTER-HOME

Boarding-home.—A foster-home where an allowance is paid *by the placing agency*.

FREE FOSTER-HOME

Free Home.—Where no allowance is paid *by the placing agency* (free to the agency). It includes free home, adoption home, work home, wage home; also a home where the child pays for his own board.

EDUCATION

Used in the sense of formal education or schooling.

CHILD TRAINING

Used in the more general sense, which includes formal education.

Fundamental Concepts, Historical Development,
Characteristic Features in Differing Systems,
Principles and Procedures in the Organisation
of Services

CHAPTER I

GENERAL INTRODUCTION :
FUNDAMENTAL
PRINCIPLES OF CHILD WELFARE¹

The child's need The most significant characteristic of childhood is the dependence arising from its immaturity—physical, mental and social. The child's need for care and guidance is obvious, and in even the most diverse civilisations the institution of the family is a recognition of this need.

The child's right The recognition of the child's right to parental care varies, however, with the stage of development of the community. When the family, and even the community, lived a close-knit life, with little serious impact from outside forces, and with fair stability and security in the tenure of the home and its relationships, the circle of the household, or of kinship, of itself, afforded a strong protection about the child. The force of moral and religious tenets which imposed upon the parent, and often even upon distant relatives, the obligation of care for those of the same blood, or even of the same faith, exercised a great influence to the same end. But the shift from mediæval to modern civilisation, and the growth of industrial and urban life, brought cataclysmic changes in the unit of family life; and these have gradually brought about the intervention of

¹ This chapter was prepared by Mr. Robert E. MILLS, M.A., Director of the Children's Aid Society of Toronto, Canada.

the community in ever-increasing degree in a widening circle of relationships. This perhaps explains in part why it is only in comparatively recent times that the State has specifically undertaken to enforce in the fullest sense the parental obligations for which the family exists. It is in the modern child welfare legislation of different States that the community definitely asserts for the first time its determination to see that every child has reasonably adequate care and guardianship. Prior to these enactments, the care and upbringing of children were deemed to be the exclusive concern of the parents, children being regarded almost as chattels with which the parents could do much as they liked within the broad limitations of the laws that protected all persons. There was no special protection for children as such. Now, however, legislation for the protection of children in many countries provides both the power and the machinery to coerce parents who are delinquent in their care of their children, and, where necessary, to take the children from their parents and provide them with the adequate care and guardianship that their parents have failed to give them. Thus the right of a child to parental upbringing in accordance with the standards of his community, and the obligation upon the State to see that he gets such upbringing, are now clearly expressed both in law and organisation.

The community's obligation

Perhaps no more striking instance could be cited of this change in social tradition and the distance that has been traversed from the patriarchal and feudal theories of the family of an earlier society down to present humanitarian philosophy than the Guardianship of Infants Act passed in the United Kingdom in 1925, whereby it is expressly affirmed that the court must not take into consideration whether the mother or the father has a superior claim to the custody of a child, but must give "first and paramount consideration" to the child's interests.

As life becomes increasingly complex, the community finds it necessary to supplement more and more what the parent can normally be expected to provide for his children. Schooling, once part of the home training, is now generally provided by the State. As people have come to live on less and less ground area, the inadequacy of family playgrounds and the necessity for community facilities for play have become increasingly obvious.

Similarly, in a great many other directions, the parents' task is being shared by the community. Community services providing child training, health teaching and even religious guidance are interesting examples.

However, with the aid of these general services that are normally available to all in the most progressive States to-day, parents as a rule fulfil their obligations in respect of the care, training and guidance of their children as a matter of course. Although the quality of the upbringing varies greatly according to the parents' capacity and sense of responsibility, the cases where it falls definitely below the minimum standards that the enlightened public opinion of the community insists upon in the average State are sufficiently rare to be considered abnormal, and hence are regarded as requiring special provision to be made by the community.

How the need for placing arises The failure of parents to provide for their children the care and upbringing that the community expects of them is generally attributable to one or more of the following circumstances :

- (a) Inadequate resources.
- (b) Culpability or incapacity of the parents—such as viciousness, cruelty, mental deficiency, moral obliquity, insanity, etc.—serious domestic maladjustments, etc.
- (c) Social handicap beyond the parents' control; death of either or both parents.

In all cases, the special provision the community makes, whether through private organisations or public departments, should have as its basic purpose the prevention, if possible, of the break-up of the family. The modern art of social case-work accepts family life as a normal condition and exerts its insight, ingenuity and effort in diagnosing and treating those ills that make for inadequacy in family life, especially in terms of the care and upbringing of children. Where the only obstacle to the proper care of children by their own parents is lack of the material necessities of life, the problem is comparatively simple. In such cases, the need is met by some form of "social insurance", such

as unemployment, sickness, or old-age insurance, workmen's compensation, widows' pensions, etc., or, failing these, by direct material relief. Obviously, it is quite unnecessary, and therefore unjustifiable, to place children for care away from their own parents for reasons of poverty or simply because of the status of their birth.

*Economic need
alone not
sufficient*

Unless material values are to be set above all humanitarian considerations, it may therefore be regarded as an axiomatic principle of child care that no child should be removed from the care of an otherwise competent parent when the granting of material aid would make such removal unnecessary.

*Parental
inadequacy
constituting
"neglect"*

There are, however, situations in which parental inadequacy arises from causes quite different from economic ones, although frequently complicated by them. Where it is wilful misconduct of the parent that threatens the well-being or safety of the child, the problem is primarily one of changing behaviour, and as such falls clearly to the social case-worker. Where the problem of the parents' behaviour arises from incapacity—whether ignorance, defective intelligence, perversion, nervous derangement, or insanity—again the problem is one for which the case-worker has to devise a solution. In like manner, where incapacity to care satisfactorily for children arises largely from external causes, as is the case where community prejudice may place almost insuperable obstacles in the path of the unmarried mother with her child, the problem is one of adjusting relationships, and social case-work is again the method of approach. Even in the extreme case, where the problem arises from the fact that there are no parents living, the task of finding a solution is one for case-work, since the possibility of placing the responsibility upon relations must be thoroughly explored.

In all the situations suggested, case-work will utilise to the full the various social resources of the community. In one, it may be a relief fund to meet the economic need; in another, a behaviour clinic to help in the understanding of the personalities involved, or a court to exert legal pressure; in another, a visiting house-keeper or organisation to "hold the fort" during the mothers' temporary absence, or to teach her the rudiments of household management; in another, a mental hospital to diagnose and

remove an insane or seriously defective parent, and so on. In some cases, the efforts of the case-worker may enlist many different types of social agency to find solutions for the problems involved.

In the vast majority of cases, the careful use of such methods and resources ensures a quality of child care sufficient to meet the minimum requirements of the community, and there is no need to remove the child from his own home. But, however well child welfare case-work is done, there are, and always will be, a number of children who should be cared for away from their own homes.

*Care at the
parents' or
guardian's
request*

Most of the children for whom care must be provided otherwise than under the parental roof are given such care at their parents' request.

*"Non-ward"
care*

The parents are not unfit guardians, but for some reason are unable themselves to give their children the care they need. Possibly the mother is in hospital; the father is working for a low wage; no relatives or friends are able or willing to look after the children; and there is no suitable accommodation for a housekeeper. Such parents require assistance in carrying out their responsibilities—really economic assistance through service, and in a way a form of relief. Usually, their need is of a temporary character, but there are always widowers' children and similar cases¹ that will require care to maturity. In none of these is there any thought of depriving the parents of their parental rights.

*Admission not
a judicial
function*

Admission of such children to the care of an agency, whether public or private, is a purely administrative function, similar to the administration of other forms of assistance or relief. It does not require, nor can it justify, the intervention of a court of law, because no one is being deprived of his legal rights.

*Where parental
or adequate
guardianship
is lacking*

There remain, however, those children who must be cared for away from home because of inadequate guardianship, either because their parents are found to be absolutely unfit to have responsibility for

¹ These latter may include a wide group—the mother employed elsewhere, the elder sister or brother assisting younger children, etc.

their guidance and direction, or because guardianship is non-existent by reason of complete orphanhood. Clearly, these cases should be dealt with by a court of law, because important legal rights are involved. If the parents are unfit guardians, it is only a court of law that can properly deprive them of their natural rights in respect of their children and create a new guardianship. If the parents are dead, it is properly the function of a court to appoint a legal guardian for the child. If the parents are dead, the need for foster-care will, of course, be a permanent one. If the parents are living, but unfit, the need for care will probably be permanent, although the temporary constitution of new guardianship may be tried to enable prolonged efforts towards rehabilitation to be made. But if the seriousness of depriving a parent of his guardianship rights is thoroughly understood, it is probable that every reasonable effort will have been made to render the child's home and parents safe for him before resorting to even a temporary change of parental guardianship.

Study of a child upon decision to admit to care Whether a child is to be cared for merely as a service to his parents and without any change in parental rights or guardianship (that is, as a "non-ward"), or whether his parents are deprived of their rights, temporarily or permanently, and the child is to be cared for as a "ward", the choice will have to be made between institutional and family foster-care. But, whichever type of foster-care is eventually used, the "admission" case-work process by no means ends with the decision to admit the child to care. The task of really getting to know the particular child in question as quickly as possible, so that his individual needs can be intelligently met, is a tremendously important one, requiring keen human sympathy and understanding and skill in the utilisation of the specialised technique that has been developed for the purpose.

When caring for homeless children was visualised largely in terms of food, clothing and shelter, the whole process was much more simple; in fact little, if any, effort was expended upon interpreting individual differences to those who would give the care. So far as those who accepted them knew on admission, the children coming to them were as like as peas in a pod, and in many cases

they endeavoured, as far as possible, to treat them as such. It remained for them to learn through the passage of time, and often by bitter experience, significant facts that could have been available from the beginning.

*Child welfare
now sees the
child as a
prospective
citizen*

Now, however, the outlook on child care is entirely changed. Most communities are sufficiently advanced in child welfare concepts to consider adequate food, clothing and shelter as merely an obviously necessary minimum in the child's physical care, and to place their main emphasis upon the medical and psychological needs of the child. Child welfare effort is now tremendously concerned about what kind of a child its care will produce. The quality of the product and the real test of the care given are judged, not by the smoothness with which the child is able to fit into the artificial training situation, whether institutional or other, but rather in terms of how satisfactorily he is able to function on his own in the community when the agency has done its work. Physical fitness, sound health habits, good general adjustment to life and people, judgment, initiative, and thrift are typical of the things upon which modern child welfare concentrates.

Obviously, then, it is desirable to know at the earliest moment everything possible that will have a bearing upon these matters. A comprehensive social family history will throw light upon both the heredity and the environment by which the child has been moulded. Careful physical examination will discover physical defects which should be remedied, and will often help to explain peculiarities of attitude or behaviour. Psychological study will help greatly in properly estimating the child's various capacities and in revealing and explaining his peculiarities of personality, and in suggesting general lines upon which his training should proceed. Direct observation, by a skilled supervisor or matron, as to how the child behaves in the ordinary situations of daily life, provides valuable data for the physician and psychologist, and at the same time supplies a practical impression of the child that often forms a salutary check upon the findings of the specialists.

*Receiving-home
or observation
facilities*

For these reasons, child welfare workers agree upon the necessity of an intensive study of the child before the routine of care is finally established

in an institution or foster-family home. In order to facilitate this individual study, many organisations operate a receiving or observation institution, while others prefer to study the child through foster-parents, field staff and clinics in the more normal environment of family life.

Receiving-home accommodation, whether in an institution or in special family foster-homes maintained for the purpose, makes various other valuable contributions to the effectiveness of the child-caring system. In general, it prepares the child for the environment in which he is to live, so that his chances of successful adjustment thereto are increased. It absorbs the unpleasant shocks of admission—an idea terrifying enough in itself, without the added ordeals of cleaning, delousing, being provided with an outfit, adjusting to unfamiliar food, and to unfamiliar customs—particularly table manners and the like. Often the receiving home provides an intermediary stage between the child's own home and his foster-home that eases the transition. In any case, painful reactions to admission are not as likely to associate themselves in his mind with the care in which he will ultimately remain. The receiving home also performs a useful function in early diagnosis and segregation of incoming cases of communicable disease.

CHAPTER II

PRINCIPLES UNDERLYING THE PLACING OF CHILDREN IN CARE OUTSIDE THEIR OWN HOMES ¹

*Family home
the normal
environment
of child* As has already been noted, the natural and normal place for a child's upbringing is with his own parents in his own home. Biological, historical, medical, and psychological considerations all seem to support this view, and modern social practice concentrates its major efforts upon measures calculated to conserve the home for the child. Hence, when it unfortunately happens that for some sufficient reason a child must be cared for away from his own home, the most reasonable view is that the best substitute for his own home would be another family home resembling as closely as possible what his own home should have been. Moreover, if we agree that the chief concern of child care is to equip and train the child to function successfully in a normal community where people ordinarily live in families, it is likewise reasonable to suppose that this training could best be given in such a community and in such a family home, rather than in the more artificial circumstances of institutional life.

*Institution
or family home
for foster-child* From such considerations, the belief in family foster-care has steadily gained ground in recent times, since training for ordinary life has become the dominant idea in child care. Probably the majority of authorities dealing with children are now convinced that family care is ordinarily to be preferred, unless some special considerations indicate the need for institutional care. This means that the onus is now upon the institution to show why the more

¹ This chapter was prepared by Mr. Robert E. MILLS, M.A., Director of the Children's Aid Society of Toronto, Canada.

obvious method of family foster-care should not be used in any particular case. Although family care is remarkably versatile and handles successfully a great variety of situations, there are, of course, numerous types of case for which it is not well suited and in which the institutional alternative offers more or less obvious advantages. There is no generally accepted view as to which particular types are dealt with most satisfactorily by family homes and which by institutions, but a few broad principles would seem to be fairly generally accepted, based chiefly upon a consideration of the characteristics of the two kinds of care.

Institutional advantages

A most distinctive characteristic of the institution is that its life is lived almost entirely in groups, and privacy and individuality are at a minimum. For children who, for one reason or another, appear to be in need of social contacts, or who would seem to react particularly well to group influence or opinion, the institution would probably have an advantage.

Group psychology

Discipline and control

A necessary concomitant of living in crowds is a large measure of organisation and routine. For children in special need of acquiring regularity of habit and discipline, the institution offers important advantages over the family foster-home. Especially is this so where unusual pressure must be applied to obtain conformity to required standards. The family foster-home is much less able to coerce, and probably unwilling to attempt very much involving any considerable unpleasantness. An outstanding characteristic of the family foster-home is that it does not have to accept the care of the child, and probably will not choose to do so if any very considerable disturbance of the peace and comfort of the home is likely to result. Children who are highly objectionable, in appearance or otherwise, are difficult to place satisfactorily in families, as are those whose condition or behaviour presents a serious risk to other members of the family, the school, or the neighbourhood. On the other hand, as the institution is intended solely for the purpose of providing care for children in need of its service, it must grant admission regardless of the difficulty or unpleasantness of the task.

Specialised equipment

Where highly specialised organisation or equipment is required, the preference in choice of care

would seem to be with the institution, as is illustrated by the hospitals. Where this need is combined with a special need for control and discipline, as in the training of certain types of mental defective, the institution is clearly indicated.

Impersonal relationships One of the most noteworthy advantages of the family foster-home lies in the highly personal reactions that it encourages, the affection and loyalty that the child may develop for his foster-parents, and the security and satisfaction that he may derive therefrom. But in certain situations this cardinal virtue may become a definite handicap. Where the child's own parents are still to be considered and there is danger of complications resulting from the transfer of his affections from them to the foster-parents, the much more impersonal character of the institution may prove a real advantage.

Otherwise the family foster-home favoured In practically all other situations, the family foster-home system would seem to be the logical choice because of its obvious normality, its ability to meet the need of the child for personal affection and family status, its adaptability to widely differing types, and its flexibility in adjusting itself to unlimited variations in the number requiring care. In the care of infant children, there seems to be most general agreement in favour of family homes, largely because of the remarkable results shown in the reduction of mortality and morbidity. In preventing the spread of communicable diseases, and also of objectionable habits that are equally communicable, individual family homes have certainly a tremendous advantage.

These are some of the more commonly accepted criteria for determining which type of care is more suitable in a particular case. In practice, however, in many communities the decision as between institution and family foster-home depends rather upon which happens to be readily available.

Selection of proper type of family foster-home Assuming that a family foster-home is to be used, the question then arises as to what type of home is best suited to the case in hand. Should it be a free home, or a boarding-home where an allowance is paid? If a free home is preferred, shall it be one that contemplates legal adoption, or one in which the child is expected

to pay for his care by his labour, or one which will pay wages to the child for his work? Unfortunately, this decision also is frequently made with very little reference to the particular needs of the case and the respective merits of the various types of placing.

Free home favoured if all needs are met No community is so wealthy as to be able wholly to disregard the question of cost. It is therefore obvious that if a free home can be secured that will adequately meet all the child's needs, it should be chosen. The pressing danger has always been that the cheapness of free home-placing tends to dull the community's perception of the essential needs of the child, with the result that care that is not just what is wanted is accepted because it does not appear to cost anything. The truth is that no community is so poor that it can afford to make cheapness the primary consideration in caring for its homeless children.

Suitable free homes not available for some children It must be evident that there are many children for whom a free home of any of the varieties named is not likely to be available. When a child is taken into a family home without payment by the placing agency, it is usually for one of two reasons. Either it is because he is desired for his own sake as a member of the family group, or because he is desired for the labour he can perform. Hence unattractive children who are too young to work are probably ruled out entirely from free home care. For these, there is no alternative to the boarding-home or paid foster-family care if they are to enjoy the benefits of family life at all.

Children may be unattractive from the point of view of absorption into a stranger's family by adoption or otherwise for various reasons. Some children are distinctly unprepossessing in appearance or in personality, and others are definitely defective in mentality or physique. As a rule, children cease to be desired for their own sakes when the years of infancy are past, because few people wish to make their own a child who has already been moulded to someone else's heart's desire, especially if that someone is a parent adjudged unfit to have the upbringing of the child.

When the child attains an age at which his labour is of value, the "work home" or "wage home" may be open to him. This usually means farm labour for the boys and domestic service for

the girls, because these are the occupations that involve living on the premises. Many children who have grown up in the city are entirely unsuited to country life and have a deeply rooted distaste for it. Similarly, many are definitely adapted for occupations other than farm labour or domestic service. If the purpose is really to meet the needs of these children for those things that will make for healthy, happy development of their capabilities, it is often necessary to look elsewhere than to the free home.

If the need of a child is primarily for a home and the interplay of relationships that gives it value, it is often questionable whether this can be met by giving him a job, even though he may live upon the premises. In the case of girls in domestic service, the effort to combine the home and the job, especially in cities, has proved to be a most difficult one. The girl usually feels that she is not really "one of the family", and the mistress feels that she wants a servant rather than a companion. Neither good homes nor good servants are likely to result. In rural homes, where life is more simple and informal, this problem is not so pronounced.

As the age of compulsory school attendance has increased and the general standard of what is expected for a child has risen, the child has become less valuable as a worker, and the number of homes offered on this basis has very greatly decreased. Where standards are high, it is often impossible to obtain a "work home" for a schoolgirl, even if it is desired.

*Boarding family
foster-home
meets needs of
remainder*

When a free home cannot be obtained that will give the child the kind of family care that he needs, the boarding-home is definitely indicated.

A boarding family home is much more likely to be found to meet the requirements. It does not involve the master and servant relationship; it does not limit the child's choice of occupation and—what is perhaps even more important—it admits of more effective supervision and co-operation from the placing agency.

When foster-parents accept a child into their home without compensation from the agency, they almost invariably feel that they are giving something and that one cannot expect to be critical of a gift. When board is paid, the attitude of the foster-parent is likely to be entirely different. It is taken for granted that when one pays for a service he is entitled to specify just

how it shall be performed and to assure himself at all times that it is the kind of service he desires. So long as supervision of the care of children placed out in foster-homes was merely to prevent or detect exploitation or abuse, the attitude of the foster-parent towards it was not especially important. But since the emphasis in child care has shifted, and the agency has become intensely interested in the child's personal reactions and adjustment, a quite different kind of supervision has become necessary; and it is one in which the willing co-operation of the foster-parent is absolutely essential.

Advantages of boarding-home of life on the one hand, and the development and popularising of child training psychology and of the parent training movement on the other, it is becoming increasingly realised that the ordinary parent has a really difficult job in understanding and training his own children. Although the parent has the advantage of knowing all about the heredity and early training of his child, and has had continuous opportunity to get to know him thoroughly by having observed his every action and reaction from birth, he still finds it necessary, in a great many cases, to look to experts for advice and assistance through the juvenile court, the behaviour clinic, or otherwise. How much greater is the need of the foster-parent for advice and assistance in understanding and training someone else's child!

Special difficulties of foster-parents The foster-parent stands really as a trustee caring for the child—a trustee to the child-caring agency and ultimately to the parents.

The very facts that he is someone else's child, that the foster-parents are not his parents, and that the home is not his own home create a problem of adjustment that is of fundamental importance. The fact that the parties are unfamiliar with each other's attitudes, habits, and likes and dislikes, and that their social and cultural backgrounds may be quite dissimilar, makes the task especially difficult.

Moreover, there is, in many cases, the task of maintaining friendly relations with the child's own parents as contributing both to their fuller understanding of his problems and to his own sense of security.

To all these ordinarily expected difficulties of adapting to a stranger's home is added the fact that many of the children have

been subjected to associations, example and training, and have acquired attitudes and habits far below the standard of the foster-home. The reason why many children are in care is that these things have been so grossly unsatisfactory as to require their removal from their own homes. This being the case, it is obvious that the foster-parent's task is complicated beyond that of the ordinary parent by the necessity for undoing much that has already been improperly done in the child's development. Certainly the difficulties are such as to require all the help that can be had, if really sound results are to be expected.

Supervision to help foster-parents The chief function of supervision is to help the foster-parent in these difficult tasks. It involves, among many other things, important elements of child guidance and of parent training. In some organisations, the advice and instruction given in each case are supplemented by discussion groups for the training of foster-parents.

Supervision of the general character suggested is much more acceptable where the boarding rather than the free home relationship exists.

Security essential The feeling of security with reference to his status in the home—the sense of really belonging to it—is of tremendous importance in the satisfactory adjustment of a child to life. This security is not peculiar to any particular type of foster-home—free or boarding—but is the product of very subtle factors of any such home. At its best, the adoption¹ home offers the most in the direction of security, because of the legal recognition of the child's position as one of the family. But, since placing looking to adoption is a process involving social as well as legal factors, it must not be taken for granted that real security necessarily follows upon any adoption. Unless adequately safeguarded, placing for ultimate adoption may be just as unsatisfactory as careless free home or work home placing.

Security and adoption The fact is that many of the urges that impel people to seek to adopt children give little promise of a satisfactory and lasting adjustment. Excessive parental instinct, which can become a mania for adoption, can

¹ See also Chapter V : Safeguards for placing for Adoption, page 136.

be a most serious hazard varying from "spoiling" in various degrees to actual insanity. The fond parent, who cannot bear to have her own children grow up, and wishes to adopt others to fill her need for someone to smother with mothering, is a frequent problem. Cases where a child is sought by adoption because husband and wife are drifting apart, and it is hoped that a common interest in the child may tend to prevent a separation; are not infrequent, and certainly afford little prospect of real security for the child. Still less can be offered by an applicant for a child who is suffering from nerves and has been advised by her doctor to acquire an interest in life in order to maintain her mental equilibrium.

Some limitations on adoption The free home contemplating adoption is, of course, not available for any child whose own parents are still to retain parental rights or guardianship; nor should it be hastily considered for those who wish to divest themselves of parental responsibilities. The child is entitled to his own parents if in any satisfactory way they can be preserved to him. Moreover, parents who have given up their children frequently want them back again. Adoption eliminates the possibility of this happy *dénouement* for both parent and child.

Even for children whose parents have been permanently deprived of their parental rights, adoption should not be entered upon with undue haste. Parents are not unchangeable, and do sometimes reform, whereas adoption is irrevocable.

Careful adoption highly successful Subject, however, to assurance of such social and legal procedures as will safeguard the child—and in some cases, his own parents—against circumstances such as these, adoption, which gives the child a home of his own and permanent legal security again, cannot but be regarded as the happiest and most satisfying re-establishment of the child bereft of parental guardianship.

Selection of a particular home for a particular child The foregoing are some of the considerations affecting the selection of the type of foster-home care for a particular child. The selection of the particular home is a much more difficult matter, and one that cannot possibly be reduced to a series of rules. A few principles can be laid down, absurdly simple and obvious, but demanding the wisdom of Solomon and the patience of Job,

together with all the experience and technique of modern child-placing to put them into effect. These have been suggested in the foregoing discussion, but may properly be recapitulated.

Recapitulation.
Principles of home finding and placing of children

1. The placing agency must first get to know and understand the child as well as possible, in order to realise his particular needs and the peculiar problems of personal adjustment that he will present. Such a task is very extensive—in fact, as extensive as the knowledge and insight of the worker make it. The child must be thought of as a whole, as a functioning and developing person.

2. The placing agency must likewise get to know and understand the foster-homes that are offered, first to determine whether they are sufficiently attractive to be used at all, and then to catalogue their peculiar characteristics, their strengths and weaknesses, in order to estimate their suitability for any special problem or any particular child. Again the demands of the job are limited only by the ability of the worker. The more trained and experienced, and withal the more understanding the worker, the more she will see in this evaluation aspect of home selection.

3. Various homes available must be considered carefully in the light of the particular child's needs. In some cases, it may be necessary to withhold placing until a home with just the desired characteristics can be sought out. In any case, the process should be one of fitting the home to the child, rather than the child to the home.

4. When the child has been placed, the process is just begun. The task of the agency is to make the placing work out successfully for the child, or, if this proves impossible, to remove him and try another home. This demands close supervision by highly skilled workers. The agency must continually endeavour to enlarge and correct its knowledge of both child and foster-home. It must constantly interpret the one to the other and smooth out difficulties as they arise. It should use every such occasion to teach in a tactful manner the principles of "parent training", so that the foster-parents may become increasingly capable, and should, where possible, supplement this case-by-case teaching by group discussions. The extent to which the agency looks to the other resources in the community for specialised advice and

assistance and group instruction is, of course, a matter of local practice.

Re-establishment of child It is essential that all supervision should definitely have in mind the preparation of the child for functioning effectively in the community without supervision, either on return to his own home or "on his own" after graduation from the agency's care. If he is to return to his own people, it is obvious that the agency should see that the home is made as fit to meet his needs as is possible before he returns to it. So important is this consideration, that the placing of a child back in his own home should be dependent upon as definite safeguards and procedures as those attending his removal in the first place. Obviously, if the child is returned to the conditions which caused his removal, the whole benefit and purpose of that removal are frustrated. This is another process, the success of which depends upon the co-operation of other community agencies.

Some minimum requirements for "usability" of any home

In deciding whether or not a home is suitable for use as a foster-home at all, there are certain principles that are generally recognised.

Minima for foster-parents

The foster-parents must be respectable, must have sufficient income, must be of suitable age, and must live happily together. These are obvious minima.

Respectability

If there is anything disgraceful about the reputation of the foster-parents, they can hardly be employed by an agency concerned chiefly with the standards and behaviour of its child and of the adult he will become. Usually, there is fairly clear-cut agreement as to what is disgraceful, but in some directions there may be wide difference of opinion even among the "respectable" members of a community. The attitude towards the use of intoxicants is an example, some believing that only total abstainers should be selected as foster-parents, and others that drunkenness should disqualify only when it is gross and habitual.

Economic competence

Clearly, the agency should satisfy itself that the foster-parents have sufficient means to enable them to meet the cost of maintaining the standard of living expected for the child.

If the board payments are necessary to enable the family to maintain such a standard of living, there is grave danger that the foster-child's interests will suffer; and, unless there is some weighty consideration that should minimise or offset this hazard—such as blood relationship, or affection from long association—placing should never be contemplated in such circumstances. If the needs of a child in care are properly understood, it will be obvious that they are not likely to be fully met by placing used as a means of giving relief to the foster-family; the practice of placing children to board in destitute families in lieu of or to supplement relief or in widows' pension homes to help eke out inadequate allowances finds little support among agencies primarily interested in the children, but is sometimes imposed upon them by an authority whose chief concern is

Unnecessary family poor relief. An accepted principle of child-
replacements to placing is that re-placing, other than from the
be avoided most frankly temporary homes, involves most difficult personal adjustments on the part of the child and imposes a serious strain upon his personality. All possible precautions should be taken, therefore, to avoid re-placing becoming necessary. With this in mind, the agency should satisfy itself that there is reasonable probability of the income of the foster-parents remaining adequate as long as the child will need their care, so that there will not be undue risk of his having to be re-placed because of insufficient income.

The same principle is important in connection
Age of with the age of foster-parents. The length of time
foster-parents for which the child may expect to need their services varies greatly according to the type of placing.

A purely temporary board placing may be only a matter of days or weeks, whereas an adoption placing should require the full capabilities of the foster-parents for support, guidance, control, understanding and comradeship for possibly a period of twenty years. For the temporary placing the age of the foster-parents at the time only need be considered, but for adoption their age twenty years hence is of at least equal importance. Certainly, no foster-parents should be selected who, before their duties towards the child will normally be completed, will have become too old to meet all the needs of the situation adequately, thus

making necessary the terrible uprooting that another re-placement at that stage would mean.

Adjustment of foster-parents' family Members of the foster-family should be reasonably well adjusted to each other and to their community. If foster-parents and others of their household do not live happily and co-operatively together, how can that most important art be communicated to the child in training? If they are in conflict with their neighbours or with their community, how can the child avoid developing anti-social tendencies? All things considered, the conclusion to be drawn is that the basic faculty that a family home should impart is the ability to live effectively in families and as part of the community.

These are generally recognised minima for acceptance as foster-homes. Some agencies set up other standard requirements, some of which follow.

Physical environment Certain minimum requirements in material environment often are recognised. For example, most organisations insist upon a separate bed for the foster-child, and many require that a separate bedroom be provided. The possibility of sex practices is perhaps the most obvious consideration, although there are numerous others that favour a separate room. The encouragement of concepts of individual possession and responsibility, of modesty and tranquillity are among the number.

Two foster-parents desirable All are agreed that two foster-parents are highly desirable for each child, some organisations insisting upon both as a requisite of placing. Normality in family life and training is the aim of placing in a family, and a home cannot be considered complete or able to give entirely normal experience where one parent is missing. If a boy is to be cared for, a father's companionship, influence, guidance and control are especially needed. This is a further objection to the use of widows' families for foster-home care.

Bachelor or spinster foster-parents Some organisations are fairly definitely opposed to the placing of a child with an unmarried person, whether spinster or bachelor. This is based in part upon the need of two parents, but more particularly upon experience which has shown that the relationship developed is nearly always highly abnormal. While the relationship may not be

homo-sexual, yet the mere presence of a child in such a home often indicates an adult in need of compensation to assist in overcoming poor adjustment to life. The child is not treated as an individual searching for wholesome interest, good friends and natural independence, but is considered unconsciously as a satisfaction for a craving which should have been met in a more normal manner.

Selection largely an art The selection from among acceptable foster-homes of the one best suited to meet the individual needs of the child in question is a very complicated matter. It is the point at which the science and art of placing reach their highest level; one which is maintained throughout the process of adjustment supervision to its termination in establishment or re-establishment in normal community living. In all this, the trained skill of the worker is the most important factor.

As the child's reaction to the care is ultimately the chief concern of placing, it is important that his attitude should be as co-operative as possible, and that he be disposed towards making the placement a success. With this in view, the child's own inclinations and preferences should, where feasible, be carefully considered in choosing among available homes in placements where he is of age and competence to advise.

From among the complexities involved in the selection of homes for individual children, considerations of religion and race stand out with considerable clearness.

Religion of foster-parents It is generally accepted that, if it can reasonably be avoided, children should not be placed for upbringing in homes of markedly different religious faith from their own. The development of religious attitudes is usually considered partly the function of the home, and a child is very likely to absorb the religious bias of the family group in which he lives. Temporary placements of infants are a distinct exception, because the child is too young to be so affected. When foster-homes of their own faith are not available, it is sometimes the practice of agencies of one religious faith to place their children in families of another. In all other cases, however, such placing is studiously avoided, because the public will suspect proselytism, no matter how overwhelming the other advantages of the home

may be. To use child-placing as a means of proselytising is to take an unfair advantage of both parent and child, and certainly a public or semi-public agency would find it difficult to justify recruiting one religious body from the ranks of another in any community where religious freedom exists.

Race differences The objective of all child-placing being the provision of home life for the child, approximating as closely as possible to what his own should have been, children should be placed, as a general rule, in homes and with persons of the same race.

CHAPTER III

PLACING OF CHILDREN IN FAMILIES IN DIFFERENT COUNTRIES¹

SECTION A

Historical Development.

An examination of the development and practice of boarding-out systems in various European countries shows that the value of family homes in caring for orphaned and destitute children was early recognised. Bohemia employed this method as early as the fifteenth century, while in Finland and the territory that is now Belgium, the practice was in vogue in the seventeenth and eighteenth centuries respectively.² Denmark, France, Scotland and Sweden have followed this system for more than a hundred years. In Switzerland, the principle of family placing has been applied since the Reformation (Zürcher Almosenordnung, 1525). Its adoption has necessarily been more recent in the Western Hemisphere, although here, too, there has been long experience of it. In Chile, the boarding of dependent children dates from 1853, and precedes North-American countries by more than a decade.

In the United States of America, the care of dependent children in institutions was followed by the placing of children in free homes, usually in villages or rural areas. This was then regarded as a satisfactory means of caring for dependent children coming from congested urban centres; but as early as 1867, the Boston Children's Aid Society of Boston, Massachusetts, recognised it to be unsatisfactory. This was especially true of young boys, many

¹ This chapter was prepared by Miss Elsa CASTENDYCK, Children's Bureau of the United States Department of Labor, Washington, D.C.

² See document C.P.E.515, page 7.

of whom were vagrants or came from homes in which they had had little or no moral training. These children, untrained and unacquainted with rural life, contributed little or nothing through their own efforts to the foster-home in which they were placed. The organisation therefore adopted the plan of paying a moderate sum to the families caring for them. The Board of Charities of the same State (Massachusetts) had in the previous year (1866) established a visiting agency, and in subsequent years has placed thousands of children above the age of 10 years in boarding-homes. The placing of infants by the Massachusetts Infant Asylum followed shortly afterwards. In 1881, the legislature of Massachusetts made an appropriation to pay for the care of children under 10 years of age, thus acknowledging the responsibility of the State for payment of board for children in family homes instead of expecting the child to earn his living by his own labour. The system developed simultaneously in organisations financed by voluntary funds and in agencies supported by State and local funds.¹ The use of paid homes became a generally accepted principle, and has for many years been practised in varying degrees in States other than Massachusetts.

The Children's Protection Act of the Province of Ontario, Canada, has for more than forty years recognised the value of private home care for children, which is now extensively practised throughout the Dominion.

Ancient though the practice thus appears to be, it probably existed much earlier in some of the Eastern civilisations.

Slingerland, in his book *Child-placing in Families*,² describes the practice of the Hebrew people of Biblical times in placing orphaned children in the homes of childless couples. The early Christian Church used homes of relatives and Church associates, and when these resources were inadequate to meet the demands, orphaned and dependent children were placed in homes of worthy widows. This service was paid for by collections taken in the congregations. This was probably the real genesis of a boarding-out system which was revived in the later centuries. It does not appear to have

¹ Henry W. THURSTON : *The Dependent Child*, Columbia University Press, 1930, pages 169, 170-174.

² W. H. SLINGERLAND : *Child-placing in Families*, Russell Sage Foundation, 1919, pages 27, 28, 29.

been a makeshift, since the recognition of values of home life and family training, rather than economic considerations, were, in part at least, the motive force at the inception of the system and during the period when it was practised. Although the Christian Church adopted the system of group care in the third or fourth centuries, and thus laid the foundations for institutional care in modern times, Jewish child welfare work continued on its original basis, using the early method of child-placing in families. Jewish orphanages, however, were established in England and Germany in the nineteenth century.¹

A detailed study of the historical development of the boarding-out of children, country by country throughout the world, would no doubt produce data which would be of sociological and historical interest, reflecting the degree to which the tribal group or the State accepted economic responsibility for its dependent children, and possibly enabling the value of present programmes and procedures to be gauged. In the ancient Jewish civilisation, children were cared for in homes of relatives and others, under definite laws and regulations. In modern times, Finland was among the countries which early accepted its legal responsibility for boarding care, having provided for such placing in the Law of 1852 on Public Relief. Since then at least twenty-five other countries have legalised the placing of children by legislation making some Governmental body responsible for the administration of the law. In spite of the subsequent wide use of boarding-homes, the assumption of authority and responsibility by the State has apparently been of slow development. Information obtained in 1935 shows the following dates of legislative action relating to the boarding-out of children :

Union of South Africa ²	1913	Czechoslovakia...	1921
Australia	1879	Danzig.....	1927
Austria	1919	Denmark.....	1905
United Kingdom .	1870	Estonia	1920
Chile	1858	Finland	1852

¹ See W. H. SLINGERLAND : *Child-placing in Families*, Russell Sage Foundation, 1919, pages 29, 30, 31.

² See document C.P.E.515, page 8.

France	1904	Luxemburg	1855
India	1927	Netherlands	1922
Ireland	1862	New Zealand	1908
Italy	1926	Norway	1905
Japan	1932	Roumania.....	1920
Hungary	1903	Spain	1915
Latvia	1929	Sweden	1902
Lithuania	1928	Yugoslavia	1929 ¹

In the United States of America, the Federal laws do not contain any provisions relating to boarding out in families. The use of the paid boarding-home seems to date from about 1866, in the State of Massachusetts.² Since then, the plan has been developed spasmodically, as the needs of the State or locality demanded, and at the present time it is practised in most of the forty-eight States. In 1936, there were thirty-two States in which statutory provision had been made for the licensing and supervision of family homes for children.

Cultural and social conditions are no doubt the factors which determine the absence or rare occurrence of this form of care in Bolivia, Bulgaria, Monaco, Siam and Venezuela.³

Auspices, Legal Authority and Regulations:

Tradition, the size of the country, the development of a policy of local control in the various provinces, communes or States—these are the factors that largely determine the extent to which responsibility and regulation are placed with local authorities or vested in some appropriate Government agency. If we accept the premise that the best chances for success in a boarding-home programme depend largely on knowledge of the child and his individual needs and problems, and on complete knowledge of the home in which he lives, the desirable system would seem to be

¹ Switzerland :

Basle (town)	1906	
Berne	1912	(Law on the introduction of the Swiss civil code.)
Geneva	1926	
Vaud	1916	
Zurich	1921	

² See *Social Service Year Book, 1929*, article by C. C. CARSTENS, page 180.

³ See document C.P.E.515, page 8.

that in which the smaller political subdivisions assumed responsibility for determining whether the child should be placed in a family, the home being selected and careful attention being given to it after the child has been placed there. Such systems do exist in many countries. Thus, in Denmark, in each commune (with the exception of Copenhagen) the placing of children is carried out by a Social Welfare Committee through a Child Welfare Council. In Sweden, every commune has its Child Welfare Council, which is responsible for the work for children under 16 years of age who are destitute, neglected, abused, ill or in need of special care; and for children under 18 who are in moral danger, or wayward or delinquent; and for young persons between 18 and 21 who lead a dissolute or idle life. Such children may be placed in foster-families under the supervision of the Council. The Government of the province is required to administer the laws regarding children in a proper manner, and to that end a child welfare consultant is appointed in each province, who is required to keep foster-children under supervision. The National Department of Social Welfare, through a bureau which deals with various questions relating to child welfare and through the national inspector for poor relief and child welfare, issues further regulations, establishes standards and selects qualified personnel. Thus we see the centralised authority vested in the State, but the direct care in the hands of the local commune.

In Switzerland, the classic case of a country with communal autonomy, family placing also devolves primarily upon the commune. The competent bodies are: for children of parents in receipt of public assistance and for children who have been succoured by the public authorities, the public assistance authority; for children placed under tutelage, the guardianship authority of the commune. While not departing from the principle of communal autonomy, the canton of Zurich has for practical reasons entrusted the placing of children in families to the child welfare committees of the various districts. Family placing, when in the hands of private organisations, is carried out within the area either of a commune or of a district. In a number of cantons, it is entrusted to the district secretariat of the Pro Juventute Foundation or to educational societies for indigent children (Armenerziehungsvereine), or to women's associations.

There are various systems in force and different central authorities in other countries. In Latvia, Roumania and Yugoslavia, the Ministry of Public Welfare assumes responsibility; the Ministry of Education, in Luxemburg and New Zealand; the Ministry of Health and the Home Office, in the United Kingdom; the Ministry of the Interior, in Hungary and Ireland; and the Ministry of Justice, in Belgium and the Netherlands.¹ In Switzerland, in view of the Federal form of the State, the Confederation has no competence in this field. General supervision over family placing is in the hands of the cantonal authorities. The point of particular interest is not the ministry in which the authority is vested, but recognition of the need of centralised authority and the existence of a system which shall give a degree of uniform service and protection to children.

The responsibility for the placing of children in the Union of Soviet Socialist Republics is in accordance with the political philosophy of the country. Institutions were generally used for the care of all needy children up to 1928. At that time, a decree was issued regulating the placing of children in institutions and foster-homes and providing for the payment of board by the Government. Subsequent legislation in 1935 and 1936 carried the programme further and modified it. By the latter Act, the mutual aid funds of the collective farms assist children of collective farmers who are in temporary need. The expense is met through the mutual aid funds derived from entrance fees, membership dues and the regular appropriation of 2% of the income of the farms, from crops and animal husbandry. The Government of the Soviet Union contributes 80% of the sum spent by the mutual aid associations for this purpose. Funds were made available by an appropriation of five million roubles in 1935. The Soviet system recognises the different social conditions in rural and urban areas, and provides two forms of administration. In cities and industrial districts, children between 5 months and 4 years are placed by health authorities; public education authorities assume a similar responsibility for children between 4 and 14 years of age. In rural districts, children are placed in foster-

¹ See document C.P.E.515, page 4.

homes by the village soviets, who report quarterly to the municipal public health or public education authorities (according to the age of the children) the number and the condition of their charges.¹ Importance seems to be attached mainly to the health aspects during early childhood, and to educational development during school age.

Many children are placed in homes at the request of or by their own parents. Other children are found by the courts to be neglected or destitute, or to be the victims of unsuitable parental care. The registration of foster-homes, the requirements as to the number of children in the home, the age of the foster-parents, and certain sanitary requirements are specified in many countries —among them being the United Kingdom, Denmark, Finland, Sweden, several Swiss cantons and most of the States of the United States of America. By this means, the child can be protected from exploitation, and regulations can be provided for health and education. The relationship to the juvenile court is frequently semi-official, and although private organisations are entrusted with the boarding-out of children in many countries, the court may take the responsibility for requiring such service.² The practice is apparently determined largely by local conditions, and by the existence of private organisations placing children in homes and institutions. Legislation, official regulations and the juvenile court frequently came after the service of the private organisation, with the result that previous experience, skill and greater financial resources on the part of the non-official bodies have resulted in a continuance of the system.³

The advantages and disadvantages of each system depend upon the local situation. The use of private agencies is usually safeguarded by means of special requirements such as satisfactory personnel, the maintenance of a sufficient number of suitable homes and a budget which allows for an adequate programme of educational, health and social opportunities for their wards. Inability to provide these essentials means that no permit or licence will be granted, and the private agencies will not be

¹ Information available in the Children's Bureau, United States Department of Labor, Washington, D.C.

² See document C.P.E.515, page 5.

³ *Ibid.*, page 6.

allowed to take care of children. Such regulations may be necessary where zeal for good works on the part of those responsible for the agencies' programmes exceeds wisdom and financial resources.

Character of Personnel employed.

Since the child's whole life will be influenced by the experience of childhood, the selection of proper persons to provide care and training during the formative years is a task fraught with grave responsibility, and with much danger if not properly exercised. In the United States of America and in Canada, increasingly greater emphasis is being placed on the need for such persons to be well informed in the fundamentals of social service. A knowledge of the dynamics of human relationships, community resources, and essentials of good physical and mental health will be of great value in the selection of a proper home and the evaluation of the service it is rendering the child. The practice of employing such trained personnel can hardly be said to be widespread in any country, although its desirability is recognised outside the United States of America and Canada.¹ Finland has attempted to provide its inspectors with such education for the past fifteen years, by means of free courses of instruction. Uruguay, in 1934, passed a public health law containing regulations for the appointment of inspectors. It requires that an applicant for the position of inspector must have a certificate from the School of Social Service. All other child welfare workers employed by the Child Council, which is the Governmental agency administering child welfare work, are likewise required by the Children's Code to have been trained at a school of social service. Such a school was established in Montevideo in 1935 and is attached to the Ministry of Health.

The social workers employed in Sweden in the investigation of foster-homes and in visiting children in foster-homes are usually trained at a school of social work, although in rural communities the work is sometimes done by untrained volunteers. Schools of social work, with courses varying from four months to five years,

¹ See document C.P.E.515, page 19.

exist in Sweden, and there are also organisations devoting their efforts to the improvement of standards of training for social work.

As already stated, responsibility for the placing of children in the Union of Soviet Socialist Republics is vested in public health and public education authorities. In addition to the supervision afforded by the personnel of these departments, social workers employed by kindergartens, day nurseries, schools, and other child welfare agencies are required to visit the child, acting under definite regulations prescribed by the People's Commissariats of Education, of Public Health and of Social Welfare, in co-operation with the People's Commissariat of Social Justice.¹

Certain other countries make no specific requirements as to education or training. In Denmark, unpaid inspectors are appointed by the local child welfare committee. Such service is regarded as a civic responsibility, and may not be refused. Paid inspectors are employed in the large cities by permission of the Minister of Social Welfare when no volunteers are available. They are required to have training. Workers in the officially recognised private child welfare societies are also paid and trained inspectors. From the information obtainable on this point, it seems fair to state that, on the whole, trained personnel is found where well-developed systems of boarding care exist. In the Swiss cantons, in general, no special training is required of persons supervising foster-families, but only experienced persons are employed. Moreover, there is a growing tendency to confine this work to specially qualified persons.

Present Extent of Various Types of Child-placing in Relation to Other Forms of Child Care.

So many factors enter into any consideration of the extent of child-placing that a mere recital of the number of children cared for in boarding-homes means little unless data regarding the reason for the child's removal from his home, the prevalence or absence of other types of child care, such as placing in an insti-

¹ Information available in the Children's Bureau, United States Department of Labor, Washington, D.C.

tution, mothers' aid or mothers' pensions, and the ages and classes of children included in the boarding-out system are known. Some countries provide for the care of young children only in boarding-homes; others regard this system as a means of providing the child with vocational training; and still others include the delinquent child and children in moral danger.¹ A few provide such care for children suffering from mental and physical infirmities. A true measure of the system would be to compare it with other types of child-placing—*i.e.*, institutional, legal adoption and the so-called free home, including legally adopted children. Failing the possibility of an exact comparison of this sort, a more generalised statement can be made on the basis of the data collected. Of the forty-two countries replying to the questionnaire, all but five reported some system of boarding care; Bolivia, Bulgaria, Siam, Venezuela and Monaco report that they have no such system.²

No data are available as to the number of children placed in boarding-homes in all these countries or as to the extent to which this care is given in preference to care in institutions. However, limited information from Denmark, Norway and Sweden shows that in Norway, in 1935, 3,350 children under 18 years of age had been removed from their own homes by the local child welfare councils and placed out. Of this number, 55.5% were in foster-homes and 44.5% were in institutions. In Denmark, in 1935, 1,406 children were removed from their homes by the local child welfare councils and placed out; only 9% were placed in foster-homes, and the remainder were placed in institutions, including hospitals. In addition to these, 13,784 children were placed in foster-homes by their own parents. For Denmark, no information was available as to the number of children placed in institutions by their parents. For the year 1931, 31,551 children under 16 were placed out by their own parents in Sweden, of whom 84% were placed in foster-homes and 16% in institutions. In the same year, 40,270 dependent, neglected, wayward (under 16) and delinquent children under 18 were removed from their own homes by the authorities and placed out. Of these, 72% were placed in foster-homes and 28% in institutions.

¹ See document C.P.E.515, pages 8 and 9.

² *Ibid.*, pages 2 and 3.

In the United Kingdom, children boarded out by the public assistance authorities account for the majority of boarded-out children, but the number so placed after juvenile court hearings is increasing. Small numbers of defective children are boarded out. Infant children privately placed in foster-homes under Ministry of Health supervision number 18,000.

In 1933, the Bureau of the Census of the United States of America included in its work the actual count of all children cared for by agencies on December 31st, 1933, specifying whether they were in institutions or foster-homes. The total number was 281,857, the majority of whom were in institutions or foster-homes (242,929, less 38,928 who were under supervision in their own homes or were in hospital). Of the 242,929 who were in institutions or foster-homes, 66,350 were in boarding-homes; 31,538 in free foster-homes; and 4,689 in wage or work homes. Thus we find the number of children in all types of foster-homes in the United States approximately 40% smaller than the total number in institutions.

Ages of Children under Each Type of Care, 1933.

Age of child	Total children	In institutions	In foster-homes		
			Boarding	Free	Work or wage ¹
Under 1 year . . .	6,269	2,747	1,708	1,810	4
1-5 years	36,897	14,720	15,273	6,879	25
6-9 years	57,092	35,028	16,902	5,114	48
10-13 years . . .	78,329	52,334	19,429	6,456	110
14 and 15 years .	32,705	20,190	8,143	3,911	461
16 and 17 years .	20,740	10,801	3,721	4,316	1,902
18-20 years . . .	10,080	3,919	1,056	2,937	2,118
Age unknown . .	867	613	118	115	21
Total . . .	242,929	140,352	66,350	31,538	4,689

The ages of the children in the returns from the United States of America varied from less than 1 year to the age of major-

¹ May include some children with their mothers. See Agnes K. HANNA: "Dependent Children under Care of Children's Agencies: A Review of the Census Findings", *Social Service Review*, Vol. X, No. 2, page 250, June 1936.

rity.¹ A larger number of infants and children under 6 years of age were cared for in boarding-homes and free foster-homes than in institutions; the number in boarding-homes was almost equal to the number in institutions, while the number of children of school age in institutions exceeded those in foster-homes, although many were in boarding-homes. Of the boys and girls over 16 years of age, slightly more than half were in foster-homes, less than a third of whom were in boarding-homes. "The use of different types of care for children of different ages is largely affected by the facilities that are available in any community, but since many of the States having boarding-home programmes also have institutions, the greater use of boarding-homes than institutions for children from 1 to 5 years of age might indicate a conscious selection of foster-home care for younger children."² In Canada, in 1981, when the last Dominion census was taken, there were 14,607 children in the care of children's aid societies and official organisations, of whom 8,496 were in boarding-homes. In Finland, 18,134 children were in boarding-homes in 1981, in addition to 9,575 in assisted institutions.³

In European countries, it is apparent that the use of the institution is frequently supplementary to a boarding-out programme. Czechoslovakia, Denmark, Germany, Hungary, the Netherlands, Norway and Roumania all report the use of centres or small institutions as receiving homes in which the child to be placed in a boarding-home receives medical attention and a degree of preparation for his new home.⁴ More important still is the fact that the persons responsible for his care are able to know him intimately and select the new home accordingly. This system exists in portions of the United States of America and Canada. Here, as elsewhere, it is recognised that boarding-home care is not always suitable for all children and that the selection of an institution or foster-home must be firstly on the basis of the

¹ The inclusion of 187 children under 14 years of age in work or wage homes is probably due to misunderstanding on the part of the reporting agency as to the interpretation of this type of home. Many of these children were undoubtedly in free homes or were placed with their mothers in homes in which the mothers were working to support themselves and their children.

² Agnes K. HANNA : *Op. cit.*

³ See document C.P.E.515, page 23.

⁴ See document C.P.E.516, page 10.

child's individual needs, and secondly on the resources of the community. From the reports and literature available, it would appear that the European countries generally regard the boarding-home system as satisfactory for young normal children who are not regarded as delinquent or possessing serious behaviour difficulties, and use the institution for children who require special consideration because of health, educational or behaviour problems. While practices in the United States of America and Canada differ in various localities, it is apparent that the general practice includes these children in boarding-home care in many cities and rural areas.

Both institutions and boarding-homes frequently serve as a means of preparing the child for adoption by a family. The practice of legally uniting the child to the family varies widely in different parts of the world. Thus we find in the "Report on Adoption of Children among Certain Non-European Peoples"¹ that adoption approximates to slavery in some of these countries. Although legal provision for adoption is now practically universal in Europe, the United Kingdom, the United States of America and Canada, and is less universal in South and Central America,² it is apparent that the number of children cared for in this manner is small in comparison with those in boarding and free homes and in institutions.

A system of placing of children by their parents in homes which provide no legal and little social protection to the child is practised in some countries. In these countries, this is known as "adoption". This does not include a contract or legal action. It does not correspond to, and should not be confused with, the legal process which assures the child of the care, protection and opportunities generally accorded by parents to their child.

Collaboration in Placing between Public Authorities and Voluntary Effort.

Voluntary effort inspired by the necessity of caring for children whose needs had not yet been recognised, or, if recognised, not assumed by public authorities, has resulted in collaboration in

¹ See document C.P.E.516, page 45.

² See *Encyclopædia of the Social Sciences*, Vol. 1, page 461.

placing between public and private agencies in many countries. In the United States of America, various systems of co-operation are in vogue. In some States the payment of a subsidy to private child-placing agencies, some of which are under sectarian auspices, provides foster-home care for large numbers of children. The plan of payment on the basis of the number of days' care and the number of children given care by the voluntary agency represents another system, probably less widely used, but generally more satisfactory. In each instance, the voluntary agency pays a considerable portion of the actual cost of boarding the children, and in addition provides the social workers and other personnel required in the selection of homes and the placing and supervision of the children. A third plan in vogue in a limited degree only—in the care of children needing special services—provides for the payment of fees sufficient to cover all costs involved in the care.

Since private charity frequently precedes public responsibility, voluntary agencies have had in many instances fully developed services, including trained personnel. The economy of using these organisations rather than duplicating the plan was obvious, and led to a continuation of the plan. With the recent growth of public services on a broader basis, both in extent and variety, public agencies have developed similar services. The recognition that the satisfactory placing of children in foster-homes requires skill which may in truth be called a "specialised service" has also resulted in the continued use of voluntary care agencies by public authorities, especially public assistance boards unable or unwilling to provide the required specialised foster-home care in their own organisations.

In European countries and some non-European countries, the experience has apparently been much the same: the variety and type of plan is determined by local needs. Austria, Belgium, Chile, Czechoslovakia, Denmark, Finland, Italy, Latvia, Lithuania, the Netherlands, Spain, Sweden, Switzerland and Turkey all reported the use of private or semi-official agencies.¹ In addition to serving as pioneers in the field of boarding care, voluntary agencies have also stimulated and directed efforts to obtain legislation which has led to proper public supervision or control of the

¹ See document C.P.E.515, pages 5, 6.

private organisations. In portions of the United States of America, the care of children by public agencies has been greatly influenced both in extent and character by the influence of voluntary child care societies.

*Relationship to Protection Provisions for Certain Types of Children
in Need of Care.*

The literature of modern child care, whether European or American, testifies to the value of the home as a means of training for after-life. The foster-home or boarding-home has for many years provided the substitute for the child's own home in at least twenty-six countries.¹ It is apparent that both public (or official) and voluntary organisations utilise this form of care. Yet the system varies widely in regard to the types of children benefiting. There seems to be a general acceptance of the foster-home for the normal child, especially during early years. The formative years provide the most hopeful period for the establishment of desirable social habits and ties of affection. The possibility of better health, because of the individual nature of foster-home care, is another factor. It is not surprising, therefore, that an illegitimate child, who is often deprived of the usual advantages of home life, should be specifically mentioned in the laws and regulations determining child care. The unmarried mother faces difficulties in securing these essential prerequisites of childhood that are provided as a matter of course by parents in an established home. Because many unmarried mothers are employed in domestic service, it is impossible for them to keep the child with them or to give sufficient attention to their children cared for apart from them. The boarding-home offers a means of temporary care until the mother can assume the responsibility of the child's care or until he is adopted. Many illegitimate children, however, seem to be boarded out, not because of their status, but rather because they are classed as dependent or neglected children.² Financial assistance is frequently given to the mother with the specific idea of making it possible for her to keep her child. Thus allowances are paid by the authorities, who have collected all or portions of the

¹ See document C.P.E.515, page 8.

² *Ibid.*, page 10.

money from the father. These children are under official guardianship, and the foster-families caring for the child are investigated and supervised, regardless of the source of the payment of money for care.¹ Since specific data are not available, a detailed analysis of the practices in each country is required to determine to what extent Governmental bodies regard the placement of the illegitimate child as an official function. Only six countries—Austria, Canada, Czechoslovakia, Hungary, Sweden and Switzerland—mentioned these children in their replies to the questionnaire prepared by the former Child Welfare Committee regarding classes of children boarded out.² The extensive use of boarding-homes in all countries would lead to the assumption that children are placed irrespective of the status of birth, and that public and voluntary organisations shared this responsibility. The exact degree to which this responsibility is shared cannot be established, but some characteristic adaptations are included in a subsequent section of the report (see Chapter IV).

In many States, it is quite difficult to establish the distinctions between the care of neglected children and those in need of special care of varying type. Particularly is this true of endeavours to establish the relationship between measures to care for the child suffering from neglect on the part of the parents and the child involved in juvenile delinquency. The standards of the community largely determine whether the case is dealt with as one in social adjustment or one calling for court action. In some countries, not only violations of local or State laws and regulations, but behaviour problems of varying nature bring the child into the purview of the court or its auxiliary services, and the question of disposition as a delinquent or as a child in need of care will again vary with the standards of public opinion, the legal procedures, the attitude of the judiciary, and the social agencies of that community. There appears to be broad recognition of the fact that a large proportion of all offences committed by juveniles are the direct or indirect result of the parents' failure to provide the proper care, training, and—equally important—affectionate regard for the child. The parents are therefore charged with

¹ See document C.P.E.515, page 10.

² *Ibid.*, page 9.

neglect rather than the child with delinquency. The category "neglected child" may thus include many children who are delinquent in that they are violators of accepted social standards or legal regulations. The actual number of children so classified is not so important as the fact that, in many countries, the treatment accorded to so-called wayward and delinquent children is in direct accord with the philosophy of the boarding-out system and the spirit of modern child care. An example of this is found in Sweden, where children under 15 are not considered responsible before the law for their acts and are not punished, whatever the nature of the offence. Young people between the ages of 15 and 18 who commit offences of minor nature are referred to the child welfare council, as are all children under 15 years. The council may place a child in a foster-home, with or without the parents' consent. In Norway, Denmark and Finland, child welfare councils are given similar authority. It is apparent from a tabulation of the number of children in boarding-homes and those in institutions that in Norway, Denmark and Sweden preference is given to boarding-homes rather than to institutional care.

Relationship to Health, Educational and Vocational Facilities.

Earlier discussion of the administrative authority in the boarding-out of children in various countries gives some indication of the relationship of public health, educational and vocational facilities to actual practice now in operation. It is not to be expected that there would be any discrimination against foster-children. On the contrary, it is quite apparent that the necessity of providing the child in a boarding-home with extra safeguards is recognised. This does not necessarily imply a weakness in the system: it is an expression of the responsibility which official and voluntary organisations feel for their wards. Rules and regulations imposed by the supervising agency and agreements drawn up between foster-parents and the official or semi-official organisation give some indication of the degree to which special attention is accorded health and education in the more generalised aspects of foster-care. The emphasis placed on these special needs is, furthermore, indicated by the character of the administrative body. Thus, in the Union of South Africa, Austria, Chile, Czecho-

slovakia, Hungary, Ireland and Italy, supervision is exercised by the medical officer or welfare centres.¹ On the other hand, in the Union of Soviet Socialist Republics, responsibility for supervision is placed on the municipal public health authorities for children up to the age of 4 years; after that age, responsibility is transferred to educational authorities.² If the placing of a child in a boarding-home is intended to provide him with the benefits of normal home life, it may reasonably be assumed that he is accorded all the benefits open to children in the homes of their own parents. This implies observance on the part of foster-parents of the compulsory school attendance law, a condition which apparently obtains quite generally where children of school age are boarded out.³ An interesting example of the emphasis on health care is found in Chile, where children between the ages of 2 and 7 years are placed in boarding-homes by the National Institution of the Child, a public institution under the jurisdiction of the Board of Charities of Santiago. The medical supervision of the children—approximately 1,000 in number—so cared for is carried on by two physicians and two nurses appointed for that purpose. Social workers also visit the homes and watch the general care and conditions in the home.

In the Swiss cantons, too, care is taken to see that children placed in families receive medical attention and proper education. In the canton of Zurich, for example, the district medical officer is *ex officio* a member of the district child welfare committee.

In the United States of America and Canada, the use of public educational and health authorities is quite general, especially for children cared for by official organisations. Medical services provided in hospitals, clinics and dispensaries are open to foster-children without any discrimination. Voluntary and secular organisations may be provided special care in hospitals, clinics and schools maintained by these agencies. Certain societies provide psychiatric and psychological services for children, if the history of their earlier experiences or behaviour warrants further study and consideration. The same may be said of the child

¹ See document C.P.E.515, page 20.

² Information available in the Children's Bureau, United States Department of Labor, Washington, D.C.

³ See document C.P.E.515, page 15.

guidance clinics and similar departments now frequently found in public schools in the United States of America.

The growth of industrial life in cities and the wide use of mechanical devices on farms have been, in a measure at least, responsible for the discontinuance of "apprentice homes" in the United States of America as a means of vocational training. It is true, however, that young persons, mainly girls, are placed by agencies in "wage" or "work" homes. This is usually for the purpose of providing a means of earning maintenance and a small wage while continuing at school. It cannot be regarded as apprenticeship, since generally no formal agreement as to training is entered into by the foster-parents. The system is open to criticism, unless great care is exercised in the selection of homes and the children so placed, since it may lead to exploitation detrimental to health and welfare.

Denmark and Finland present interesting examples of the provision of vocational training for children by State authorities. In Finland, the Law of 1936 provides that the Ministry of Social Welfare may, after investigation, order the State to subsidise the communes to the extent of one-half, or more in special cases, of the amount spent on the vocational training of young persons in the charge of the public welfare boards. Previously, the Government had contributed one-half of the costs of vocational training, provided the commune welfare agency or an individual contributed the remainder. Such education consists of training in agriculture, a trade or a commercial occupation. It should be noted that this is open to all children, and not to foster-children alone. In Denmark, the Child Welfare Council of the commune may, with the approval of the official inspector, place a child in suitable apprenticeship or employment. A contract must be signed for the purpose. Following the completion of the required school attendance period, a Norwegian foster-child may be placed in apprenticeship or as a domestic servant. Whether this is in the nature of vocational training depends upon the skill exercised in the selection of apprenticeship and the degree to which the foster-home exercises its function as a means of training. The ultimate success or failure of the plan doubtless depends largely on social and economic conditions.

Types of Home and Methods of Investigation.

It is apparent from the foregoing that foster-homes are caring for children of all ages and in various capacities in many countries. It is therefore not surprising that considerable difference is noted in the preference for rural or urban homes, the methods of selection and supervision. We find that in seventeen countries there is a preference for foster-homes in rural districts as compared with ten countries in which urban districts are preferred.¹ Obviously, the acceptance of a child in a family home presupposes sufficient space to allow for physical comfort. A small apartment or flat in an urban centre frequently could not offer such accommodation. The healthful atmosphere of a rural district offers attractions not found in a crowded city. The possibility of fresh vegetables and milk in greater abundance in the country or in a village than in the city appears as a means of offering healthful diet. On the other hand, social and health services may be lacking in sparsely settled districts, and the problem of providing adequate school and medical facilities may make the use of rural foster-homes a hardship. The difficulties of supervision of children and foster-parents are increased in such instances. Furthermore, certain children may be temperamentally unsuited to life in rural homes. Delinquent or problem children require frequent attention from the organisation responsible for their care, whereas a normal child needs less frequent supervision. The selection of a rural home in preference to an urban home is therefore dependent upon several considerations. Generally it may be said that the existence of health and welfare services, including educational resources in rural districts or the proximity to an urban centre, determine to a considerable extent the advisability of using homes in the country.

¹ There is a preference for rural districts in the following countries: Australia (South Australia), Austria, Belgium, United Kingdom, Czechoslovakia, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, New Zealand, Norway, Roumania, Sweden, United States of America, Yugoslavia, while urban districts are preferred in the following countries: Australia (Western Australia, Queensland), China, Estonia, Finland, Luxemburg, Mexico, Netherlands East Indies, Spain, Union of South Africa.
(See document C.P.E.515, page 12.)

It appears that there is similarly a preference for rural districts in Switzerland.

It is clear from the material obtained that the homes of persons in various walks of life are open to boarding children.¹

Eighteen countries reported that children were placed in the homes of peasants and small farmers : but twelve of the countries reported that the homes of artisans and workmen were used, and four (in addition to nine other countries) reported the use of homes of minor officials and middle-class families. It may be assumed that in the United States of America,² Belgium, Egypt, Estonia, Mexico and Turkey, where in general attempts are made to find a family environment suited to the child's needs, a variety of homes are used.

The selection and supervision of these homes requires skill and experience. It involves evaluation of the tangible and visible factors, and the infinitely more difficult task of assaying the relationship of the child to the foster-home and community. The health and economic status and social standing of the family are comparatively easily determined. The motive in taking a child and the personality traits of the prospective foster-parents are subtle factors not so easily discovered. The responsibility for these investigations is vested in various authorities, both voluntary and official, and is both direct and indirect. As regards the indirect type, a licence is granted by an official organisation on the basis of an investigation. This does not preclude direct supervision by periodical visits to the home and the child. The use of trained personnel for this purpose is found in fourteen

¹ In the majority of countries, homes for children are most frequently found among the class of peasants or small farmers. These countries are as follows : Austria, United Kingdom (Scotland), Canada, Chile, Czechoslovakia, Denmark, Finland, France, Hungary, Ireland, Latvia, Lithuania, Netherlands, New Zealand, Norway, Roumania, Sweden, Yugoslavia.

The replies from the following countries mention the boarding-out of children in workmen's and artisans' families : Austria, United Kingdom, Canada, Czechoslovakia, Finland, Hungary, Ireland, Lithuania, Netherlands, New Zealand, Norway, Sweden, Switzerland.

Children are also frequently placed with middle-class families and minor officials in the following countries : Australia, Austria, China, Czechoslovakia, Denmark, India (Bombay), Japan, Latvia, Luxemburg, Norway, Spain, Sweden, Switzerland.

(See document C.P.E.515, pages 10, 11.)

It appears that also in Switzerland homes for children are most frequently found among the class of peasants.

² See document C.P.E.515, page 11.

countries.¹ It has obvious advantages, in spite of the cost involved. Public officials, representatives of the administrative agency, exercise supervisory authority in at least thirteen countries.² They may be attached to the health, educational or welfare agency, according to the system employed in the particular country. In Denmark and Norway, the duty of supervisor is regarded as a civic responsibility, and must be accepted by the individual appointed unless certain obligations have already been met. Such supervisors are not required to have training, although officials who serve in the cities are trained.

Interesting and valuable data could doubtless be obtained by a more detailed comparison of the systems employed and the results achieved. As in other attempts at evaluation, circumstances in each country, including economic, social and geographic considerations, and the leadership displayed by those interested will vary, and a further analysis is necessary before a statement of relative success or failure can be made.

Apparent Success and Probable Lines of Future Development.

To hazard a statement as to the apparent success and probable lines of development of boarding-home care throughout the world, after consideration of the foregoing material and the sources from which it was drawn, would indeed be presumptuous. True, twenty-five countries, in replying to the questionnaire regarding the results of boarding in families, stated that on the whole the system had been satisfactory.³ But such a statement is too general to be accepted as representing the opinion of all—or even a considerable proportion—of those engaged in the work. Statistics of its extent, critical judgment based on observation, and study of achievements, especially in relation to other types of child care, will be needed before an estimate can be made.

¹ See document C.P.E.515, page 19. These countries are: United States of America, Austria, Canada, Chile, Danzig, Hungary, Ireland, Italy, Mexico, New Zealand, Norway, Roumania, Turkey and Uruguay.

² See document C.P.E.515, page 19. These countries are: Union of South Africa, Belgium, United Kingdom, China, Czechoslovakia, Estonia, Finland, France, Ireland, Japan, Mexico, Portugal and Switzerland.

³ See document C.P.E.515, page 22.

The care of children either in foster-homes or in the home of their parents is closely allied to the welfare of any people. Future developments of the programme depend upon the study of what has already been accomplished, on the passage of time, and on the leadership of thoughtful persons interested in the future citizenry.

SECTION B.—PLACING BY COLONISATION AND IMMIGRATION :
CRITICAL ANALYSIS OF THIS TYPE OF PLACING,
WITH SPECIAL REFERENCE TO CERTAIN SPECIFIC SYSTEMS ¹

The placing of children by migration has nearly always been due to some propelling force in the country of origin. The transplanting of any number of minors, particularly very young minors, from their own lands—or even their own districts—to another land or territory, and unaccompanied by their parents or natural guardians, is not a natural or normal social procedure. It at once suggests the existence of some grave force or some basic social maladjustment, so overwhelming as to justify, not only family disruption, but also the drastic action of severing young children from the background of community life, tradition, racial and general culture into which they have been born, and transporting them to new and, at the best, disturbing experiences and adjustments. War, invasion, flood, famine, pestilence—these have been some of the factors forcing the migration of children in the histories of different States. Political, religious, and racial pressures have also operated to induce large-scale or group migrations of juveniles, while, on the other hand, certain countries, or interested groups within certain countries, have definitely planned and organised child migration in the thought that, under special safeguards, greater opportunities for individual development could be found for under-privileged children in other and less populated areas, or in a different *milieu* from that in which they had been the victims of social disaster.

In the study of comparatively large-scale placings of juveniles in recent years, certain movements stand out as illustrating

¹ This section was prepared by Miss Charlotte WHITTON, Director, Canadian Welfare Council, delegate of Canada on the Advisory Committee on Social Questions, and by Miss Elsa CASTENDYCK, of the Children's Bureau, United States Department of Labor, Washington, D.C.

different propelling forces, and differing plans and methods of placing—the transfer of child population from the older and earlier settled areas of the United States of America to its new western lands; the “colonisation” projects of British child-caring agencies, through which tens of thousands of dependent children were moved from the British Isles to Canada.

1. *The Migration of Children in the United States of America.*

Introduction.

The development of child care in the United States of America has included many interesting phases, but none is more colourful or of more interest, both historically and in the light of present-day practices, than that portion which deals with the migration of children from the towns of the eastern Atlantic seaboard to the Central, Middle Western and Western States—those largely rural in character. A brief account of child care in the nineteenth century and of the resources and conditions of that period is necessary for a full appreciation of the motives underlying the plan and the factors which influenced its development.

The opening of the nineteenth century found the English poor-law system well established in most of the States which then comprised the United States of America. Public charges, adults and children, were cared for by local administrative units, towns, counties or cities with little or no control or oversight by the States or Federal authorities. There was little distinction between the care of adults and children, which usually took one of the five following forms :¹

1. Outdoor relief, given to families in their homes.
2. Farming-out of paupers to families, usually to the lowest bidder.
3. By contract with some individual, who became responsible for all the paupers of a given locality.
4. By support in almshouses under the control of public authorities.
5. By indenture.

¹ HOMER FOLKS : *The Care of Destitute, Neglected, and Delinquent Children* (New York, the MacMillan Company, 1902), page 8.

It is with the last two types of care that we are particularly concerned, since the farming-out and contract systems had comparatively little application as far as children were concerned. In addition to these, there had been founded in the United States of America through private benevolence, prior to 1800, five institutions for the care of destitute, neglected and delinquent children.¹ Other institutions were opened at later dates, in some instances as a means of keeping children from being placed in local mixed almshouses.

Early Types of Child Care.

For the purposes of this study, it is unnecessary to describe the life of the child in mixed almshouses. Suffice it to say that the unsatisfactory care which children received in these institutions was early recognised, and no doubt stimulated effort toward providing more adequate care, both in institutions or orphan asylums and through indenture and free placing.

The plan of indenturing or apprenticing children, in general use throughout the country, was also taken from the English poor law.

Colonial history records children indentured during the seventeenth and eighteenth centuries.² It was, in fact, an adaptation of the procedure commonly employed to give some industrial training to boys and girls old enough to work. Parents wishing their children to receive instruction and experience in given trades might apprentice them for a period of years to a person qualified to give them such training. The indenture system was similar, in that it was expected to give to the child some training and that, like apprenticeship, the child was to furnish sufficient assistance to his foster-parent to pay for his care before the expiration of the term of his indenture. In addition, it sought to establish a child whose parents neglected him, or who was an orphan, with some person or family who would agree to be responsible for him. Along with this theory that every child should be attached to a family went the definite theory that every dependent child must

¹ Homer FOLKS : *op. cit.*, page 52.

² Henry THURSTON : *The Dependent Child* (Columbia University Press, New York, 1930), page 13.

belong to some town or place.¹ This latter fact is of especial interest in view of the complete disregard of this principle in the migration of children in the middle of the eighteenth century. Unfortunately, very young children were frequently indentured, and the training aspect from a vocational point of view was often lost sight of. Obviously, the treatment of the indentured child was dependent upon the child, the tender mercies of the employer and the degree of interest which neighbours and public took in his care. There can be little doubt that experiences of these children varied from virtual slavery to that of being real foster-children in happy homes. Nevertheless, the process of indenture offered to homeless children the possibility of food, shelter and clothing, and gave the child a degree of security and a feeling of attachment, although it might be at times to a hard and exacting master.

The old-fashioned indenture or apprentice system passed largely into disuse—if not disrepute—by 1875. Clearly, it is not in harmony with later standards to “bind” or contract anyone—much less a child—for a given period. The system is described in brief here, as it undoubtedly influenced the thinking and procedure of the persons responsible for the emigration of children.

Factors affecting Migration from New York.

During the middle of the nineteenth century, the flow of immigrants to the United States of America numbered hundreds of thousands. Many came from Ireland and Germany, and were the representatives of stable people, industrious and thrifty. Among them, however, were the flotsam and jetsam of European cities, totally unable to cope with the problems of life in a new country. The immigrants and the poor of New York suffered from overcrowded housing—with the inevitable result of disease, crime and corruption. Charles Loring Brace, in his book *The Dangerous Classes of New York*², described these homes as “fever-nests” and “seminaries of vice”. It was these conditions which led him, a young man of twenty-seven, a liberal thinker

¹ Henry THURSTON : *op. cit.*, page 13.

² Charles Loring BRACE : *The Dangerous Classes of New York* (Wynkoop and Hallenbeck, New York, 1872), page 223.

and preacher, to accept the charge of "a mission to children", organised in New York in the spring of 1853. The duties of his office are described as "to organise a system of boys' meetings, vagrant schools, etc., which should reach the whole city; . . . to draw in boys, find them homes in the country, . . . help them to help themselves".¹ Although shelters, recreation, teaching and remunerative work were provided for the children who had to stay in the city, the one road, as Brace saw it, for the homeless child or even for the child of poor parents, was migration to foster-homes in villages or on farms in the West. A convincing argument for the need for his plan was the large number of vagrant children in New York. The Chief of Police reported that there were 10,000 such children in the city, and that many children were engaged in thieving.²

The schools of New York had just begun to function, and school resources were woefully inadequate. There was therefore no compulsory school attendance. Added to this was the fact that the facilities for the care of destitute children were insufficient, consisting of a branch of the city almshouse and, under private auspices, eight orphan asylums. The outlet of these was primarily by indenture. An organisation placing children for adoption and two institutions for delinquent children completed the list.³

Organisation of the Children's Aid Society and Beginning of Migration.

The mission was renamed "The Children's Aid Society", and in March 1853 issued its first bulletin. It read in part as follows:

" . . . We have formed an association which shall devote itself entirely to this class of vagrant children. . . . A large multitude of children live in the city who cannot be placed in asylums, and yet who are uncared for and ignorant and vagrant. . . . Arrangements have been made with

¹ Henry THURSTON : *op. cit.*, page 96.

² *Op. cit.*, page 97.

³ American Female Guardian Society, founded in 1834; House of Refuge, founded in 1824; and New York Juvenile Asylum, founded in 1851 (Henry THURSTON : *op. cit.*, page 98).

manufacturers, by which, if we have the requisite funds to begin, five hundred boys in different localities can be supplied with paying work. We hope, too, especially to be the means of draining the city of these children by communicating with farmers, manufacturers or families in the country, who may have need of such for employment.”¹

This was followed by the first appeal for foster-homes. It is addressed to “Farmers and Mechanics and Manufacturers in the Country”.² It asks specifically for work, and says: “There would be no loss in the charity. These boys are, many of them, handy and active, and would learn soon any common trade or labour. They could be employed on farms, in trades, in manufacturing. . . . The girls could be used for the common kinds of housework.”³ It further states that the enterprise is not one of gain, but is an effort “to apply the remedy to the source of these vast evils and sufferings in our city, and bring good influences to bear on childhood”. Nevertheless, it was clear that the child would in personality and work pay for all that was done for him.

From this it is clear that the emigration work was the old indenture in a less rigid form, and that the service of the child was still an essential factor. It was expected that the child would have a real home, although he would probably have to pay for it in giving service to the family. The organisation provided the money necessary to take the child to the home, and to remove him if a mistake had been made and if for any reason the child was not satisfactory.

The first appeal, which was followed by others, brought responses from persons in near-by States, and many individual children were sent to them. The annual reports of the Society at this time contain accounts of the method of accepting and placing children. It is apparent that the children were indeed destitute and neglected. It is also apparent, however, that, in the enthusiasm for the plan of saving children, parents in poor circumstances were urged to release children on the promise of

¹ Henry THURSTON : *op. cit.*, page 90.

² *Op. cit.*, page 100.

³ *Op. cit.*, page 101.

good homes in the country and representation " of the great advantages which a good western home offers over the poverty, ignorance and temptation to which they are exposed in the city. The strongest assurances can be given to them that the future welfare of the children will be watched over by the Society. They, themselves, can hear from them if they desire, and in no case is their child indentured." ¹

In addition to placing children one by one in foster-homes, the plan of taking children in large parties to a single locality was started as early as 1854, when 138 children—66 boys and 72 girls—were sent to Pennsylvania. Later, groups of children were sent to the States farther west and south.

Reports of the Society give accounts of several parties, and particularly of one trip to Michigan, which present vivid pictures both of the eagerness with which the children looked forward to their new homes and of the hardships of the journeys.² Local committees, usually consisting of a doctor, a lawyer, an editor, a clergyman and a business man, were asked to adjudicate on the suitability of the applicants. Because of the numbers of children and the haste necessary in placing the children in homes, little was done in the way of enquiry or investigation as regards the applicants. Frequently the children were displayed in churches or court houses, and after the situation of each child had been explained to the audience, selections of children were made, and if the child agreed, the bargain was made. It is reported that the local committees were frequently of little value, as there was little time for consultation, and to refuse the application of a neighbour or even an acquaintance would be embarrassing.³ As time passed and fewer children were sent out, methods changed: an agent of the Society was placed in Chicago in 1869,⁴ and other agents followed.

¹ "Instructions to Visitors", contained in the New York Children's Aid Society's *Eleventh Annual Report*, 1864, pages 43-44, quoted in Henry THURSTON: *The Dependent Child* (Columbia University Press, New York, 1930), page 111.

² Henry THURSTON: *op. cit.*, pages 106-107.

³ *Op. cit.*, pages 115-116.

⁴ *Op. cit.*, page 120.

Extent and Geographical Distribution of Migration Work from 1853 to 1929.

The extent of the migration of children can be appreciated by the figures available from the books of the Children's Aid Society. They are given in totals and annual averages by decades, as follows : ¹

	Total children	Yearly average
1853-1864	4,614	384
1865-1874	9,456	946
1875-1884	4,262	426
1885-1894	2,434	243
1895-1904	3,118	311
1905-1914	3,720	372
1915-1924	2,392	239
1925	251	
1926	227	
1927	150	
1928	229	
1929	228	

Figures up to and including 1922 based upon study of the Society's records by Miss Georgia G. RALPH, New York School of Social Work. Later figures taken from annual reports.

Although the New York Children's Aid Society is the most generally known in connection with the westward migration of dependent children in the United States of America, because of the large scale upon which it operated, the New York Juvenile Asylum, the New York Foundling Society and the New England Home for Little Wanderers also sent migrant groups to the West during the third quarter of the nineteenth century.²

An examination of the New York Children's Aid Society figures shows a definite trend downward, and is significant in the light of the changes made by the Society in 1915, which will be described later.

The geographical distribution of the children, shown by the actual number of children placed in States during each decade,

¹ Henry THURSTON : *op. cit.*, page 121.

² *Op. cit.*, pages 108-111.

gives some indication of the opportunities for the placing of children along a frontier which was constantly moving westward.

During the twelve years following the organisation of the movement, placing was confined largely to the New England, the North Atlantic and the Eastern North Central States—that is, a few hundred or less than a thousand miles from New York.

During the next decade (1865-1874 inclusive), while placing continued in these States, Iowa, Missouri, Kansas and Illinois (West Central States) showed a marked increase.

During the next decade (1875-1884), less than half of the total number of children placed in the previous decade (1865-1874) were placed in homes (4,362 in the decade 1875-1884 and 9,456 in the decade 1865-1874). Almost no children were placed in New England, New York and other Eastern States, and only a few were placed in the Central States. On the other hand, there was an increase in the numbers placed in West Central States, with the additional State of Nebraska opened up.

During the period 1885-1904, other Western and Southern States (Texas and Florida) were added, while Delaware and New York (Eastern States) received considerable groups.

During the decade 1905-1914, the situation in the West Central States remained unchanged, but Oklahoma and Arkansas were added. Certain Eastern States—namely, Maryland and New York—continued to receive large numbers of children.

A study of this distribution of children gives the impression that a westward- and southward-moving frontier gave the most hospitable welcome to young emigrants.¹

Records of the Society in 1900 showed that a total of 22,121 children had been placed in free homes since the organisation of the Society in 1853.²

Later Methods and Developments.

The plan which had prevailed up to 1869 of arranging for the distribution of children by correspondence with resident clergymen had not been satisfactory. It was sometimes found "impossible

¹ Henry THURSTON : *op. cit.*, pages 121-128.

² *Op. cit.*, page 131.

to obtain such information regarding localities as was desirable", with the result that "companies were not always located in the places best adapted for them". Furthermore, where large companies were taken out without definite arrangements for their disposal, serious delay sometimes resulted, "accompanied by heavy and unavoidable expense".¹

Another important fact which grew out of this pioneer experience was the inadequacy of absentee supervision, by letter or by proxy, and its unsatisfactory character for meeting the many problems which arose among the constantly expanding numbers of placed-out children. "There were continually cases to be looked after, defective children to be returned, refractory children to be visited, changes to be made, employers to be satisfied, and the interests of the little ones to be guarded."² From the reports of the agent it is apparent that his work was largely confined to children about whom complaints were received.³

With the smaller numbers sent West after 1880⁴ more attention was given to individual children. Again, in 1915, further changes were made; every child was medically examined by a physician, and if this examination or the child's previous history indicated any possibility of mental abnormality, the child was examined by a clinic for atypical children and the clinic's advice was considered in disposing of the child.

Forms for reports by the foster-home and the school were introduced and used for those children in localities where educational facilities were not the best and where there was likelihood that the children would be kept out of school to work.

Investigation of the families became more comprehensive, and all records were more explicit. Closer co-operation between agencies and other organisations developed.

The disposition of the more difficult cases which were not absorbed under the free placing system remained to be solved.

¹ Henry THURSTON: *op. cit.*, page 129, quoted from the New York Children's Aid Society's *Annual Report*, 1870, pages 12-13.

² *Op. cit.*, page 130, quoted from the New York Children's Aid Society's *Annual Report*, 1870, page 11.

³ *Op. cit.*, page 131, quoted from the New York Children's Aid Society's *Annual Report*, 1870, page 13.

⁴ See table on page 56.

There was always a residue of children who were too great a tax on the average free home and in consequence had to be shifted too often for their own good. There was also the need of longer training for older boys who seemed unstable and in danger of becoming chronic drifters.¹ In addition, there was the need of temporary care for children whose parents were ill or otherwise incapacitated for short periods of time.

The establishment of a boarding-home department in 1923 under the direction of Mr. Charles Loring Brace, Jr., who at the death of his father in 1890 succeeded him as head of the New York Children's Aid Society, was a logical and necessary development. It serves as a complement to free homes, which are still available for young children who, because of the death of their parents or some other circumstance rendering home life impossible, need a permanent substitute for their own homes. As an example of the use of the two types of care, we have the information that in 1929, six years after the establishment of the boarding-home department, 162 children were placed in boarding-homes, as compared with 228 new children placed in free foster-family homes during the same time.²

Philosophy and Critical Analysis.

In 1859, the Sixth Annual Report of the Children's Aid Society contained a statement of the two principles upon which the work of Mr. Brace was based. They were :

1. The superiority of the Christian family to any and all other institutions for the education and improvement of a poor child, and
2. The necessity, in treating the evils of the poor on a large scale, of following the natural laws and demand of labour.

The latter principle defines clearly the basis upon which the children were placed in homes. The necessity of care forced them into free foster-homes, where the relationship could not always be permanent. They were frequently too young and too

¹ Henry THURSTON : *op. cit.*, page 137.

² *Op. cit.*, page 139.

much in need of education to be able to pay for the whole of their keep by their own work.

Dr. Thurston, in his book *The Dependent Child*, describes the placing of a child, during compulsory school age and under legal working age, in a free home which needs his work more than it desires to see his potential capacities developed as "the wolf of the old indenture philosophy of child labour in the sheepskin disguise of a so-called good or Christian family home".¹ The safeguarding of the individuality of a child lies in the recognition of his potentialities, and not in seeing him as an immediate money asset.

Its zeal for improving the conditions of those children no doubt accounted for the Society's acceptance of children for permanent care in foster-homes when poverty was the only cause of separation from parents. The fact that blood ties are strong and serve as a constant stimulus to re-establish family relationships was sometimes overlooked. Again, the question might be raised as to whether a parent should be compelled to surrender his child permanently in order to get whatever care he may need temporarily.

Both the underlying philosophy and the care which the children received gave rise to criticism of the plan and movement. Criticism of the type of children sent, and an accusation of their being "criminally minded", were made as early as 1858. Criticisms by persons in related fields of work followed.²

Investigations by agents of the Society disclosed that the number of children said to be in almshouses, jails and prisons was exaggerated. The fact that children were not paupers or criminals seemed to be accepted as proof that their lot had improved and that the work was justified. Later criticism and a study of the work in the State of Minnesota by an eminent social worker, Mr. Hastings H. Hart, in 1884, showed unsatisfactory results in a very considerable number of cases,³ placed within three years of his study. Later efforts were made by the Society then under the leadership of the son of the founder. The discrepancies of these findings, which indicated a high degree of success, and those

¹ Henry THURSTON : *op. cit.*, page 136.

² *Op. cit.*, page 123.

³ For details see Henry THURSTON : *op. cit.*, pages 114-116.

of Dr. Hart's study in 1884, led to a thorough-going evaluation by Miss Georgia G. Ralph, of the New York School of Social Work, with the co-operation of Mr. Brace.

The methods used were detailed and carefully carried out.¹ There can be little question of the validity of their figures. On the basis of the figures, a decreasing percentage of unfavourable results and an increasing percentage of favourable results is apparent over a period of forty years. The range is 48% favourable experiences for boys and 69% favourable for girls placed in 1865, to 62% favourable results for boys and 78% favourable for girls placed in 1905. The definite upward trend of favourable placings is no doubt a reflection of more careful work in the exacting process of selection of children and satisfactory homes.

Conclusions.

Modern child welfare workers will be quick to recognise principles of good child care which have been violated and exemplified in the migration movement. The failure to recognise the value of kinship ties and the need of preserving the home, even though it might not reach the highest standards for home care, may be explained on the basis of the traditions and concepts of another age and the pressure of circumstances. The failure to protect and conserve the individuality of the child in all cases was due to a similar situation, together with a lack of modern knowledge of childhood needs and the manner of supplying them. The value of a home and family life as a means of caring for children was recognised then as it is now. Mr. Brace was in sharp disagreement with many of his contemporaries as to the value of institutional life, in holding the belief that the normal child could be better served in a family home.

We may question the wisdom of modified indenture or free homes on a large scale as exemplified in the migration of these children. Whether or not it was justified in the light of conditions and knowledge of child care more than seventy-five years ago is not a matter for discussion at this point. It is from the generations that have preceded us that we may learn the valuable lesson of to-day.

¹ Study described in detail : Henry THURSTON, *op. cit.*, pages 132-134.

2. *The Immigration of British Children into Canada.*

Just one year after the different British States in continental North America were federated in the Dominion of Canada (1868), the Church of England organised a receiving home in Canada for the reception and distribution of young children from the Old Country in the new Dominion. Though Canada had not as yet launched her intensive recruiting of population—not only from the British Isles, but from all continental Europe—there was nevertheless a growing appreciation of the need of immigration if the country were to be energetically developed. Therefore, there was fairly strong encouragement in Canada from Governmental bodies, and also from the transport companies, for the movement of these groups of children from overseas. Unfortunately, there also developed a sustained demand from different sections of the population for the use of this unorganised and unprotected young labour in low-paid employment or in free placing on the farm, and in housework. While many of those responsible for the organisation of these migration services and societies in the old country were undoubtedly convinced that greater opportunities awaited such children in the new lands overseas, there were undoubtedly many others—among them the trustees of some of the charitable homes, and overseers and guardians of the poor in different areas—who, faced with child-labour restrictions, higher school-leaving ages, and the general raising of the standards of child care and protection in their own land, sought the emigration of their child charges as the easiest and cheapest way of disposing of their problem.

The movement expanded rapidly, reaching its peak in the years just before the world war. In the seventy years from 1868 to 1938, over 100,000 juvenile immigrants were moved from the British Isles to Canada, and 90,000 in the sixty years from 1868 to 1928. In 1925, following vigorous protests and a re-examination of the whole system, the latter was subjected to various controls, and restricted, in the case of children unaccompanied by parents or guardians, to those who had reached school-leaving age in the country of origin. Since then, the movement has been greatly restricted.

Ten British agencies engaged in this work, all of them voluntary

societies, some with employees and distributing centres, but none with self-governing bodies in the country of distribution (Canada). All these societies or agencies were granted "recognition" by the British and Canadian Governments, however. Some operated child-caring homes and services in the British Isles, using emigration as one of the "placing" outlets; but others were formed merely to provide shelter and arrange migration for the children received into their care. The children sent out by these agencies came from various homes or orphanages, from agencies caring for poor, abandoned, destitute, or neglected children, from the poor relief authorities, to some extent from the authorities caring for delinquent children and, in a few cases, on the request of parents, relatives, teachers, juvenile counsellors, etc. Inevitably, with the children drawn from such sources, and placed in a young country that had not yet developed its own welfare and protective services, serious problems were bound to develop and grave abuses to arise. While in many cases placing was successful, the lack of adequate safeguards undoubtedly exposed some of the children to suffering, cruelty and piteous hardship. Sharp controversies developed, the British societies claiming almost unqualified success, Canadian communities protesting, in some cases on account of the heavy costs of social failures among the children brought over, in others on account of the sufferings and hardship to which so many of the younger children were exposed.

In 1923, the movement assumed grave commercial aspects with the conclusion of arrangements whereby the British and Canadian Governments made a joint grant of \$80 per head to cover transport costs to the migrating agency for each child brought to Canada. Canadian welfare workers alleged that the whole system was open to the gravest abuses, with children moved into a new land, unfamiliar with its customs, modes of life and communities and institutions, and placed in homes whose application had been dealt with on a correspondence basis only. Placing and supervision were both alleged to be inadequate, while the prior study and selection of many of the children were regarded as equally inadequate to ensure successful placing. As a result of these claims, the British Government sent a special commission of enquiry to Canada in 1924, headed by Miss Margaret Bondfield,

then Parliamentary Secretary to the Ministry of Labour, which, among other constructive suggestions, urged the restriction of the movement to children over the school-leaving age.

In 1925, Canadian opinion still being seriously perturbed over the whole movement, a representative welfare conference urged that the Canadian Council on Child Welfare—now the Canadian Welfare Council—should undertake a detailed study of “ a representative group of immigrant children for the purpose of obtaining a reliable body of social data for guidance in the revision of federal and provincial laws relating to such children ”. A careful study was accordingly prosecuted, and its findings may be regarded as enunciating at one and the same time the dangers inherent in any such system of large-scale migration of children for placing, and the safeguards which should be erected if such schemes are to meet with even moderate success.

On the basis of the experience and judgment of the different social agencies, public and voluntary, in contact over a period of years with this movement of nearly 100,000 children, and on this intensive case-analysis of 311 individual studies, the enquiry led to the view that for children who were physically and mentally sound, industrious and ambitious, and who had developed normal moral stamina and self-control in their home country, life in Canada offered possibly greater opportunities than in the social and industrial conditions prevailing in the country of origin at the time of their emigration. However, the development of serious occupational contraction, and the consequent emergence of a severe shortage of gainful work among the youth group in the Dominion since the date of that study, would considerably modify this conclusion to-day. In view of the energetic development of occupation and measures for placing children in the United Kingdom, and the extension of child care and of occupational, recreational and physical education programmes, it is not likely that Canadian social work circles would aver this judgment so strongly at a time when \$2,000,000 have been provided for youth training schemes to relieve the problem of idle and dependent youth to-day.

However, subject to this observation, the conclusion drawn from the study made in 1928 was that for children who were not thus equipped, even with all safeguards that could be provided,

emigration and settlement in a new country was a hazardous undertaking.

The best work and the most successful placing, it was felt, were those being carried on by small units who carefully recruited their children in the old country, brought them out to small distributing units in the new land, placed them in a limited area under a superintendent thoroughly familiar and sympathetic with conditions and attitudes in the placing country, and working with and through a committee of citizens of that country. Where these receiving agencies were not equipped with enough field staff to make prior investigation and supervise placing, children otherwise promising were placed under such conditions as to be discouraging and likely to defeat adjustment.

On the other hand, where the child-placing service was well equipped in Canada, but did not have the necessary understanding and co-operation to assure sufficiently expert selection overseas, the same results developed.

In some cases, where the placing services were of one religious denomination, the principle, followed in certain European countries, of utilising the clergy for the location and supervision of homes did not work out well, and in fact the most successful religious agencies placing Canadian children, even in small areas, had abandoned this principle and had their own field workers.

It was found that, on the whole, the units which engaged in this work on a large scale, bringing out large numbers of children and placing them without intimate pre-investigation work in selections and without this detailed supervision, were responsible for the largest relative proportion of failures, of runaway children, of misplacing and early disappearances and deportations, and consequently for much of the misgiving and criticism attaching to the system and to an unfortunate attitude on the part of many of the public towards the whole question of the immigration and placing of such children.

It was also found that the practice, followed by some of the services, of accepting the responsibility of transporting numbers of children of other old-country agencies and of the public authorities was not satisfactory, because these agencies did not know these children intimately, and when problems in adjustment, which were then found to develop, arose, the agencies which had

simply transported them did not accept adequate liability, or deal with them as involving their own responsibility, and that therefore the children were left in most difficult circumstances. For these reasons, it was felt that any hope of success must depend upon agencies working with sufficiently small groups to know them well in selection and in placing.

The study showed that this same underlying principle should apply to the extent that the full family history and background of children so placed should be intimately known, through adequate records, to the officials or persons made responsible for finding homes, placing the children, and carrying out supervision in the country to which they came. Therefore the most detailed medical examination and the most adequate psychiatric reports should be made available as an integral part of any plan of placing children, and particularly of placing children under such unusual circumstances as migration from a country of origin to a new and far distant country.

The study also indicated what is true of any volume of child-placing—namely, that the children come from homes of two different types—those which are broken up solely because of poverty, especially among widowed mothers, and those who come from conditions of neglect and lack of protection in broken homes where disruption is due rather to social than to economic causes. There seemed little doubt that placing was most successful in the case of the children drawn from the first class—namely, from homes that were otherwise stable and where the family tie was disrupted, and where this drastic step of separation and movement to a new country was taken for economic reasons alone. Hence it was felt that, as a basic consideration in the humane treatment of children in need, help should be given to an otherwise stable home rather than expended in this drastic action of break-up and migration.

Another principle which the study showed to be necessary for the successful development of this type of placing was insistence upon the continuance of supervision up to and beyond the period of the child's indenture, because over the span of years there was no doubt that the severe testing time came at the expiration of the child's period of placing, when he or she, often in early adolescence, with slight savings and lack of family contacts and

intimate knowledge of the community, was thrust forth on "his or her own".

On the important question of whether children who emigrate thus early and are placed on farms thereupon become adapted to rural life, the study revealed the interesting fact that natural proclivities seemed to predominate, and that the greater number of the boys were shown to have been more inclined to and adapted for industrial than agricultural work, and ultimately secured positions in the cities or towns. Possibly this development is accentuated by the fact that this study showed that there was a very slight demand for these children for legal adoption; that they were sought primarily to "help, chore or work about the place", and that when the children were under school age undoubtedly many of these, young and helpless and without friends, were exploited, and even the older ones were frequently overworked—a factor brought out by Mme. Vajkai in her studies as a danger developing in rural placing in any country.

This being the nature of the demand for most of these children, the fundamental principle of fitting an individual child to the individual foster-home was not followed; the emphasis in this type of placing is more apt to be the finding of a child for a home than of a home for a particular child. Consequently, the same importance would not be attached, and, in fact, was not attached, to personal interview and investigation of the home before acceptance of an application; there was rarely any visit to the home even at the time of placing, and supervision was correspondingly inadequate.

In the underlying principles of the care and protection of children in their own homes or when removed from their own homes, this study stresses guardianship as fundamental. The question of guardianship over children taken from their own homes in one country and transported for placing in another is a very difficult one, and one to which it would appear that inadequate attention has been given in the history of such movements in most countries. Where the movement of children, unaccompanied by parent or guardian, involves transport from one jurisdiction to another, it should be considered of primary importance that the status of legal guardianship of each such child should be quite clarified in the country of origin, and that consent to

the migration and placing should be meticulously arranged with that guardian. Reciprocal arrangements should be such as to make possible the transfer of that guardianship and the placing of the responsibility for its functions in such authorities and in such circumstances as to afford the protection which a child requires.

The Canadian experience would seem to bear out an experience common throughout the reports of the various States—namely, that where children are placed, whether in their own or any other country, in an area other than that of their immediate neighbourhood, it is most essential that the authority or agency in charge of this work should be intimately associated with the life and resources of the community in which the children are placed. Only so is there likely to develop any real hope of the ultimate happy adjustment of the child into the neighbourhood and community life to which he is transferred.

The Canadian social agencies advanced certain suggestions and recommendations, based on this intensive study of experience over a period of years, as desirable if adequate safeguards were to be provided for the placing of children from overseas in that new country. These considerations are of sufficiently general interest and application as possibly to warrant citation in this report. They urge that the responsibility of interviewing the child and his family or guardians in the country of origin, and his selection for placing overseas, should be in charge of qualified officials thoroughly familiar with conditions in the land to which the child would come and sympathetic to attitudes and customs of life there. In the interest of the child himself and of the home to which he would come, it was proposed that health certificates, favourable reports on tuberculin, Wasserman and psychiatric tests, and complete social histories of the child and his family should be assured through officials from the country of destination placed in the country of origin, and that copies of these documents should precede the transport of the child and should be retained in confidential official files in the country of destination.

While realising that, at its very best, the emigration of children for individual placing in another country makes impossible that intensive study of child and of home, in the matching one with

the other, that the very best standards of child-placing demand, the Canadian recommendations propose that the public authorities should adopt and require certain minimum standards in the carrying-on of such work in the country of destination, and should authorise only agencies so equipped to engage therein. Minimum standards were suggested as involving :

1. Insistence upon prior visits of inspection to every home in which it was proposed to place a child, before the application was approved for any child.

2. The requirement that any agency transporting children for placing in Canada should be required to provide a distributing home in which each child placed should remain long enough to allow qualified workers to learn something of his individual character, his needs and adaptabilities, before placing; and that, if possible, an official of the organisation from the Dominion responsible for placing should accompany each party on shipboard to become familiar with the children, travelling by the same class and living with them, in order to know them.

3. That each agency engaging in such work should plan to give advice and vocational guidance to assure the satisfactory adjustment of the boy or girl at the expiration of the contract placing or indenturing.

It was also suggested as essential, in any movement of children from one country to be placed in another, that the agencies in charge of such transport and placing should work in the closest co-operation with the child-caring services in the country of destination; that there should be co-operation, so that a home found unsuitable by any one service was not then utilised by another; and that there should be such effective co-operation as to assure the children were not brought into one country from another in greater numbers than would make possible reasonably certain absorption, placing and gainful occupation for all.

Most important of all, it was urged that since, except in very unusual circumstances, this movement of children from old lands to new is almost certain to be associated with placing in agricultural or industrial occupations or housework, children should

not be moved from one country to another under the school-leaving age of the country of origin.

Another definite conclusion of the Canadian study was that, on the whole, where the child population was being moved from one country to another, it was more desirable to give these children adequate preparatory training in the country of origin, to move them to the new country preferably in their early teens, and then to afford them some period in hostel or reception care there with special facilities to adapt their training to the particular pursuits or features of occupation in the country to which they had come, and afterwards to arrange and direct their placing under careful supervision accordingly.

3. *Recent Child Immigration into Palestine.*¹

Markedly different in origin and organisation is the movement of Jewish children to Palestine during this decade. This has resulted in a rapidly increasing and youthful population with a high percentage of children, many of them refugees, the whole immigration flowing from more than forty different States with widely different languages, customs, traditions, systems of education, governments, economics and cultures.

A Heavy Child Immigration Population.

The Jewish inhabitants of Palestine numbered about 300,000 in 1935, and 50,000 of them were children. With a large proportion of young families among the new settlers, the child population is increasing rapidly. There is also a heavy and increasing refugee population of children, and the number of orphans, half-orphans, and others separated from their parents is disproportionately large. Many have been bereft of families, and others have been, and are being, sent to Palestine by their own parents because they can see no future for them in their own land.

These conditions of immigrant and refugee settlement and also the "back to the land" policy, which has been an essential

¹ This section is based on a report of the Social Service Department of the General Council (Vaad Leumi) of the Jewish Community of Palestine by Mrs. Siddy Wronsky. The report was transmitted to the Corresponding Sub-Committee (see preface) by the Save the Children International Union.

feature of the Jewish programme in Palestine, have been essential factors in the distinctive developments of its social services for children.

For the relatively large number of normal children of the new Jewish population groups in Palestine who have no families of their own, or who must be brought up in separation from their families, there have been various adaptations of institutional and foster-home methods.

Three forms of care—the foster-family, the “family size” institution, and larger rural institutions (virtually community settlements)—have been developed within the last ten years. With one exception, placing facilities are not available to the child until he reaches school age. Formal contractual agreements, or definitions of rights and responsibilities of the parties concerned in child-placing, are virtually non-existent. Frequent visits from, or conference with, an outside “social worker” or other “welfare agencies” are, however, referred to in the description of each project.¹

Foster-homes.

Foster-home care is in an emergent stage and present foster-home facilities are meagre. The older Jewish families are described as living for the most part in crowded homes, where conditions are undesirable for the upbringing of foster-children, and the newer Jewish immigrant families are either in co-operative organisations or struggling individually with the difficulties characteristic of pioneer settlement. It has only been possible within the past few years to experiment with foster-home care, but success has attended the first efforts, which have centred in one village.

This community was established about thirty years ago and consists of a settlement of small co-operative farms. Its present population is about eight hundred. The village is managed by a communal administration, and close relations are maintained by all inhabitants, many of whom were formerly professional

¹ These references presumably reflect the supervisory activities of the Administrative Council of Palestine, for at one point it is stated that all young Jewish immigrants are under the supervision of the Council's “Social Welfare Division”.

people. It is reported that all inhabitants of the village, including those who have come recently, favour agricultural work as one of the lines of profitable occupation. Such a deliberate change of occupation in families of these backgrounds cannot but result in the development of rural homes of good standard for the placing of these Jewish children.

In 1933, the people of this village announced their willingness to take Jewish children removed from their own countries who could not find satisfactory care in their own parental homes and who were willing to settle on farms.

It is important to note that one motive for child-placing in this and other experiments in Palestine is that of agricultural settlement, and many children are being brought up in rural settlements away from their own homes simply because their homes cannot provide opportunities for agricultural training and establishment on the land. These may be children either of recent immigrants or of old settlers whom it is considered desirable to transfer to rural life and a rural occupation. Other children placed in this village come from families in which the parents could not take care of them for social reasons, or in which there were difficulties because of domestic relations; some have been placed whose health was unfavourably affected by immigrant life in the city under difficult climatic and housing conditions, and who needed a prolonged stay in the country, and still others who developed behaviour problems as a result of the new environment.

In many cases, too, placing has been temporary. Recent immigrants found many difficulties in the adjustment to new conditions. It was particularly difficult to establish in the beginning a normal family life, because of the bad housing conditions in the coast cities, the unhealthy climate and the change in occupation. The adjustment to a new place and the study-of the new language, without proper facilities for care and training, created insuperable difficulties. Some of these children were placed in farmers' families for a short time, and were later returned to their parents when the latter had settled permanently on the land; some children remained in the farmers' families in this village when rural life seemed more desirable for them.

How Placing is arranged.

Arrangements for the placing of children in this village are made between the village Administrative Council and the Immigrants' Welfare Agency, and individual decisions are made by a committee consisting of three members of the farming community under the chairmanship of a woman farmer who has lived for thirty years in the village and brought up seven children of her own.

The children are selected for placing by social workers according to their health, education and social circumstances. Their ages range from 6 to 16 years, and those between 14 and 16 are in some cases placed as apprentices and therefore required to help with the work. Their languages include Hebrew, Arabic, Yiddish, German and Persian, and their physical and mental development is very varied.

Actual placing has only been in progress for two to three years, and few statistics are yet available on the average length of placing and degree of adjustment in the new setting. As previously remarked, some of the children were returned to their own families when the parents became permanently settled; others have remained in the farmers' families of this village, because, in some cases, it proved impossible, for social or pedagogical reasons, to return the children to their own families, or because the children became attached to the foster-family and preferred rural life, the importance of this circumstance being recognised by the foster-parents and the welfare agencies. Some children have remained in the same family for two years, and only in a few cases was it necessary to transfer the children to other families in the same village. This was necessitated either by the crowded housing conditions of the foster-homes or by the individual character problems of the children.

The decision to remove a child is made and carried out by the local community council jointly with the foster-parents.

Foster-homes are selected by the small committee referred to above, following consultations with the chief social worker, who serves as an intermediary between the local welfare agency and the village community.

Children are placed only in families whose members are all in good health, and where reasonably satisfactory housing conditions prevail. Foster-homes are also given the preference where the parents have brought up their own children satisfactorily or can show that they are able to bring up children properly.

It is reported that the progress of the whole movement has been watched carefully by the executive committee of the village community, and reports are presented regularly at discussion meetings at which suggestions for remedying difficulties are also made. When special difficulties arise, a consultation is arranged with the chief social worker, who visits the village twice a month.

The economic situation of farmers in this village is fairly uniform, each little farm being managed by the family without hired help, and bringing in a modest income. Economic problems, such as expenses caused by illness, travel and clothing, are settled at meetings of the village community. Children were at first taken into these homes free of charge, but later a nominal payment was established. Clothing is provided for the most part by relatives or welfare agencies, and smaller expenses are met by the foster-parents. The children attend a village school. Tuition is paid by relatives or welfare agencies.

Supervision.

The regulations governing the work of foster-children are about the same as those for the work of the foster-parents' own children, but the newly arrived foster-children are not allowed to work as much as the other children, because they are not accustomed to it. The individual families and the village community have bound themselves not to exploit the children, and any difficulties in the adjustment of the child to his work are taken up by the executive committee of the village, and in more serious cases by the social worker, who consults the physician when necessary. Whenever feasible, brothers and sisters are placed in the same family, but this is not always possible, because of crowded housing conditions.

The foster-parents are required to give corrective training to the children. While there is no regular supervision of foster-families by any outside authority, the village Administrative

Council undertakes to see that the children are given good care, and the regular visits of the social worker provide opportunity for discussion of difficulties as they arise.

The child's own parents may visit and are welcomed in the village, but the cost of travel limits such visiting. Regular reports are sent to the parents, however, and they are invited to express their wishes in regard to the care given. Many children return home for holidays, and the few who have left the village have kept in touch. There is no legislative provision as yet for legal adoption. Most of the foster-parents have already several children of their own.

This particular undertaking in child-placing is still in such an early phase of development that an assessment of its values can scarcely be made. Obvious advantages are the excellent family and community relations in this village and the opportunity of growing up in a wholesome rural environment. The children are taught mutual help, given a well-ordered education, and become acquainted with village life in a particularly favourable form. Opportunities for training are, however, limited by the absence of continuation schools and by the exigencies of pioneer life.

Receiving-home Facilities.

A family-sized dwelling, a four-room house, is used as a receiving home as part of the village community experiment. Most of the children are immigrants, and the function of this unit is to assist them to adjust themselves to the new conditions of life in Palestine. The children, who range in age from 6 to 14 years, remain in the home until placing with the parents, if they are able to take them back, or until some other permanent provision can be made. The children attend the village school, and at the time of the study no vocational training had been developed, since they were all of school age, but the institution intends later to transfer children to farm work either in one of the children's villages or in rural families. Here, too, temporary placing is effected by welfare agencies or by individuals, and relations with other agencies are free and friendly. No outside control is exercised over it, but a social worker visits it once a month. In a few cases, there are agreements regarding the care of the

children, but no contracts, and most of the arrangements are still by verbal agreement. Close relations with the parents are encouraged.

A Children's Village of Three Hundred.

Another children's village accommodating three hundred, ranging in age from 3 to 17 years, was established as a little colony in 1927 for a group of homeless children of 13 to 15 years. The agency developed rapidly. Children from Palestine and other countries are now admitted.

The children here are divided into three groups—from 3 to 8 years, 9 to 14, and 14 to 17. The community follows the cottage plan, while some of the children sleep in tents. Its facilities include a farm with fields, vegetable gardens, cow-stalls, a poultry yard and several workshops. Here, too, the children participate in the planning of their routine and training.

Thus, what is seen in Palestine is something quite different from anything that history has yet recorded in the movement of child migrants—an entire transference of child population from different countries to another land, and the emergence of a diversified child-caring programme, offering schools, general and specialised services, and individual child-placing in family homes, at one and the same time.

CHAPTER IV

CHARACTERISTIC DEVELOPMENTS IN VARIOUS SYSTEMS

A critical analysis of the systems in force in the different States collaborating in this study shows that the differing circumstances of life and environment in different countries and civilisations have naturally affected the development and characteristics of the systems of child care and protection which have been evolved to safeguard the child in his own home and when removed to other care. As communities have striven to provide themselves with the services necessary to ensure these adequate safeguards, they have adapted their policies and programmes to the facilities available, and to the particular conditions existing in their respective countries. Consequently, fairly characteristic systems or developments can be singled out and examined, not only from the angle of indigenous growth, but also from that of comparison or contrast with the markedly different systems of other countries.

1. Considerations on the Placing of Children in Industrial and Rural Communities.¹

The success of any system of child care is measured by the extent to which it has determined and met the individual needs of the children under care. The relative value of boarding-home care in industrial centres and in rural areas is not based on the merits and shortcomings of the urban home or of rural homes for all children; consideration must also be given to the value of the home in relation to the child who is intellectually and temperamentally adapted to such care. The assumption that all

¹ This section was prepared by Miss Elsa CASTENDYCK, of the Children's Bureau, United States Department of Labor, Washington, D.C.

children could or should be cared for in either rural or urban homes is a denial of the accepted fact of individual differences of human beings. Modern child welfare practice requires that the contemplated placing of a child in an urban community should be on the basis of the individual needs of the child in relation to the available resources.

The experiences of child welfare and health authorities in child-placing in cities and rural areas contain interesting differences of opinion as to the relative merits of each in general and for specific classes of children. The wide variety of opinions and experiences of the workers from different countries are based, in large measure, on the economic, geographical and political exigencies of the country.

The most that can be done in any relative study of the two fields of placing would seem to be to attempt to define the factors demanding consideration of the placing of children in urban—particularly in industrial—communities, and to estimate, on the basis of available data, the extent to which it is practised.

(a) *Factors influencing the Choice of Homes.*

Most of the organisations placing children in foster-homes have definite standards for housing and the sanitary condition of the home. In some countries, these are established by federal regulations, while in others the standards are set by State or local authorities. The question of the adequacy of the quarters offered the children becomes a matter for the determination of the authorities arranging for the child's care or responsible for the supervision of foster-homes. The general statement that the child should be assured food and shelter sufficient to warrant good health covers only the physical aspects of his care.

Nevertheless, the fact that the homes in cities are usually in flats or tenements, where each additional foot of space is added cost to the householder, is not to be overlooked. Furthermore, the crowded city, where fresh air and sunlight are not always attainable, offers further drawbacks. It is in the outlying districts with detached or semi-detached houses that these prerequisites of child care are more likely to be found.

The physical activity of childhood demands space for play, and the perils of city streets do not make them safe playgrounds.

Nevertheless, the programmes of the well organised and directed recreation centres in cities offer opportunities for group participation and training in group life, which is a necessary part of the education of all children.

Vocational training, particularly in trades, is usually available only in towns, more especially in industrial centres. Furthermore, the opportunities for employment are usually greater as to number and variety. The recent depression resulted in a "back to the land" movement which to some extent affected the policy regarding the placing of children in urban communities. This has been particularly true in Germany, where placing in rural homes is favoured for this reason. To the child whose entire life, up to the beginning of his foster-home life, has been spent in the city, the farm may offer few attractions as a vocational opportunity. Furthermore, the danger of exploitation is lessened if the child does not work in the factory, workshop (or farm) of his foster-parents. More normal relations are likely to be established with his associates if the child's working experience, whether it be regular employment or apprenticeship, be outside the foster-home.

In some countries, the placing of children in towns is made on the basis of their intellectual capacity, the assumption being that the dull child is better fitted to rural life than he is to the demands of living and working in towns. This assumption may be based on fact in some instances; but as farming has become more mechanised and scientific, as it has in large parts of the world, it requires intelligence and education. On the other hand, modern industry offers a variety of opportunities to those of different capacities.

The fallacy of expecting the child of compulsory school-attendance age to earn his keep in free foster-homes has been discussed in another portion of this report. It may safely be said that compulsory school attendance laws are usually better enforced in towns than in country districts. This being the case, it would seem highly probable that the child in either a free home or a boarding-home will be offered greater protection from exploitation and a better chance to attend school in a town than in a rural area.

The accessibility of medical care in urban communities is another factor in the selection of foster-homes. It is not difficult in a town to have a regular system of examinations and of visits by health authorities for inspections, and to keep watch over the health of the child. Usually, too, the specialised services of health facilities other than those of the placing organisation are available. This is, of course, particularly important for infants and sick children. The healthful atmosphere of the country may be completely offset by the lack of adequate and systematic health care.

Social agencies which offer services to children and to foster-parents are usually found in large towns. The use of child-guidance centres in the study and treatment of behaviour problems of the child may be indispensable in ensuring good mental health. Similarly, opportunities for parent education, while not totally lacking in rural areas, are found in greater number in towns. In the United States of America, many child-placing agencies, under both public and private auspices, have considered the regular instruction of foster-parents in child care an essential part of their work for children. These have been organised in some of the smaller towns and in the suburban districts of the large industrial centres.

Supervision of both foster-parents and foster-child after placing is necessary to ensure continued good work. Except where the child is legally adopted and the agency thereby relieved of all responsibility, constant oversight is necessary. The frequency of these visits depends upon the circumstances—namely, the degree to which the foster-parents can assume responsibility, and the problems presented by the child. Obviously, in those instances where frequent visits are required, the cost in time and money is lessened if the child is relatively near the centre from which supervision is given. Urban agencies whose area includes outlying districts frequently refuse to place children at a considerable distance, and have definite rules to that effect. An interesting example is the practice in Vienna, where “children are not boarded out at a distance greater than 100 kilometres, owing to the difficulties in the matter of transport, supervision, and relations between the child and his parents”.

The latter point—the relationship of the child to his parents—

is in some instances a consideration in placing the child. Inasmuch as a considerable portion of the children placed in foster-homes are from towns, it is desirable to consider distance if the tie between parent and child should be maintained and strengthened. Here the suburban districts frequently prove of value.

Financial considerations may be the determining factor in the selection of a foster-home. It has been observed that city homes prove more costly because of the higher cost of living, although standards of living may be correspondingly higher than in rural areas. The fact that the farmer or peasant is able to raise on his land a portion of the food consumed by the child undoubtedly reduces the cost of board. It is likewise true that it is easier to find homes in a new and primitive community than it is in a more advanced and wealthy community.

Apparently people of moderate means are more willing to share their homes and to take the trouble inherent in the care of foster-children than are those in more fortunate circumstances, to whom the remuneration has no special appeal.

As to the stability of city homes, the stable personality is not dependent upon locality or environment, and stable, well-adjusted foster-parents are to be found in industrial centres as well as elsewhere. The ownership of a home may influence the urban dweller in the choice of a residence, and since the percentage of home ownership is small in towns, the home may be moved from place to place more frequently than in other districts. This may be an important consideration where nearness to a given school or clinic over a long period is required for the welfare of a child.

The uncertainty of employment among industrial workers offers a handicap in urban placing, particularly if the majority of the children are placed in artisans' or mechanics' homes. It is, of course, highly important to find homes that are relatively stable economically, in order that the child shall not suffer because of the misfortune of unemployment and financial stringency. This emphasises the need, in selecting foster-homes, of thorough knowledge of the available facts regarding the home and foster-parents, in order to lessen all possibility of unsuitable placing.

The influence, for good or ill, of the foster-home in the life of the child is great. It may be the means of laying the foundations

upon which are built sound mental and physical health, and of providing education and training which will enable him as a child and adult to function within his social *milieu* as an adequate human being. It is apparent from the following brief description of the use of urban foster-homes in the various countries that there is recognition of the need of a flexible programme which utilises the best resources of both city and country.

(b) *Rural and Village Placing*.¹

Of the countries for which this explicit information was available, several showed in their policies a definite preference for the placing of children in rural areas.

As is to be expected in countries engaged largely in agriculture, it is part of the national economy that children should be brought up in a rural environment and be trained for the life that they will enter. Even in countries which are not agricultural, the struggle for self-sufficiency is seeking to encourage back-to-the-land movements in the hope of spreading the basis of the economy more stably as between rural and urban interests. Both in agricultural countries and in countries with highly urbanised communities, often sharply marked off from rural life, there has been a long tradition by which farmer and peasant families give free board to children from the towns or from charitable institutions, often in return for a certain amount of work on the land.

The tradition and practice of inheritance in some countries have also operated to develop free home placing for children from towns or from charitable institutions with the smaller farmers or landowners, who, fearing the division of their land among a large family, may rear small families themselves and offer homes and protection to younger children as their own children grow up. Frequently, a boy or girl is treated really as a foster-child, the former being retained as a paid worker as he grows older, and the girl often becoming a member of the family. The pressure upon employment in highly industrialised countries frequently finds negative expression in the tendency for foster-parents to engage in agricultural pursuits and to settle on the land.

¹ This section was prepared by Mme. J. E. VAJKAJ, of the Save the Children International Union.

Then, too, there is the operation of practical considerations in many countries tending to the development of placing in rural rather than in urban areas. Families which accept children for care are ordinarily found in the middle-class home of modest income. In town and city areas, such homes are apt to centre in working-men's houses or flats, in which foster-children cannot be satisfactorily accommodated. There is no doubt, too, that life in the open country is generally regarded as more conducive to the physical and moral development of the average child than life in the city.

In most of the countries studied, there is no doubt that comparatively better accommodation and more wholesome food can be obtained at lower rates of remuneration in rural areas than in urban centres. Where the child is placed out free or at board, such necessities as clothing, shoes, school supplies, and provision of health and medical care are generally assumed by the placing agency; and, consequently, the actual maintenance of the foster-child is not likely to involve actual disbursements for the rural foster-parent. In rural areas, much of life is carried on by barter, or depends upon the utilisation of natural products; consequently, there is a comparatively small exchange of actual money; and in the average farm home, under proper standards of selection and supervision, very good value is likely to be obtained for small board payments in cash.

An examination of the standards of selection and supervision in the placing-out systems, particularly in boarding-out in the different countries, shows that the requirements for urban placing are on the whole similar, differing only in the grade of the standards; and of course the level of such standards depends in turn upon the general standards of living of each country. An examination of systems of placing in rural areas discloses, however, much broader divergence of opinion and method.

On the whole, rural and village placing seems to fall into one of two categories—namely, what might be called the system of individual or scattered placing, whereby individual children go to individual homes, on farms or in villages over a wide area, with the objective of gradual absorption into the general population. Typical of such a system is boarding-out under the Scottish Poor Law, which definitely limits the number of children

to be placed in any particular district. The other method is the so-called "colony" system, whereby an area or village may be selected as a colony and comparatively large groups of children be placed therein. This method is characteristic of many of the definitely agricultural countries, such as Hungary, Roumania, Yugoslavia, and some parts of Czechoslovakia.

The development of these two different systems turns in part upon the distribution of the population itself. Where the rural population is comparatively compact in communes or villages, the group or colony system is likely to develop; where the population is scattered over wide rural areas on individual farms, as in Finland, Norway, large parts of Canada and elsewhere, placing on an individual basis in the individual home is likely to be preferred.

In some countries, the colony system is adopted for the care of special groups,—*e.g.*, in Italy, where children from tubercular families are so placed, or in Belgium, where the colony plan is used for the placing of mentally defective children.

A measure half-way between the two systems may be said to exist in the Canadian county or cantonal plan of having a small shelter in a populous centre in a county, and placing children out from there within a limited geographical range. Both in this and in the colony type of placing, the interest and sympathy of local public opinion is regarded as exercising a strong protective influence. The Canadian report states: "The citizens generally take a definite pride and interest in such child-caring services in the community, and this usually carries forward into a friendly sentiment and practical sympathy in the welfare of children so placed." The Yugoslav report puts it briefly: "The whole village watches over them."

In some countries, the difficulties of extending adequate supervision services over a wide area for children placed individually is possibly a determining factor in the development of the colony system. Where public health services, education facilities and the social services have not been widely developed, financial and administrative considerations tend to encourage the use of the village or town in the colony system, as all these services can be more economically and efficiently organised and administered on this basis than by extending them over a whole countryside.

Arguments are advanced for both systems, as tending to wipe out the distinction between the foster-child and the general community. The objective of the Scottish system, as already stated, is early assimilation, while some of the countries utilising the colony plan claim that the colony group rapidly merges into the general life of the village, and that the children therefore escape the opprobrium either of contempt or pity which may hang over an individual child placed in an individual community. Rivalry among foster-parents is also described in some of the reports as resulting in healthy benefits for the child in the end. Hungary reports that the selection of a village for colony placing has often raised the general standard of life for all homes therein, since the standards required for the foster-home are such that a family rejected by the authorities is under an opprobrium. Hungary also reports that the medical and social supervision, the restriction on the hours of labour, etc., required of the foster-parent in respect to the foster-child have led to better standards and attitudes of care on the part of the rural population towards their own children.

Where rural placing is the system followed, it is generally organised along one of two lines :

1. A receiving and distributing centre, either as a shelter or a clinic, or established within an educational institution, is set up as the nucleus for placing in one or more villages or scattered farms in the vicinity, but within such an area as to allow for constant supervision. As already suggested, in Canada the local shelter acts as the placing centre for the vicinity; in Italy, the antituberculosis clinic; in Yugoslavia, the child welfare clinic; in Belgium, the State institute for observation; in Lithuania, the central educational institute.

2. Certain villages are selected, and whole colonies of children are then placed in them, if possible within the proximity of the placing centre. Hungary affords, perhaps, the best example of this system. Villages are selected in an area of healthy climatic conditions, with a fairly prosperous population, assurance of a good water supply, close to transport facilities, and with a local school and local medical services. A qualified full-time official of the central State placing service is then made resident in that commune, and may also exercise supervision over children in similar

colonies in one or two other villages within the same area. Thus, the State official is not merely an inspector, but a resident worker in close touch with the children, the foster-parents and the school-teachers, while he or she is under supervision also from the State inspection staff. Generally, only one child is placed in the same family, or at the most two children. No village is selected for colony purposes unless there are at least twenty-five families therein approved for foster-home placing. The largest number of children so placed in any one community in Hungary is 240, who are found in one of the larger centres in a prosperous farm settlement where the average number of children to a family is one.

In Czechoslovakia, the colony system is also followed, with fifteen to twenty children placed in the one community under an official described as "the orphans' father", who is generally the local head teacher. In Roumania, the number of foster-children to be so placed is fixed by the population of the commune itself and must not exceed 2%. This restriction has been imposed to provide against over-population and consequent under-employment as the children grow up.

In such placing, the question arises whether children should be placed out either individually or in colonies in their own communities. In Hungary, a child is always moved from the district in which it is felt that his case is known, and taken to entirely new surroundings. The official opinion submitted from Finland and that of Dr. Siegfried, of Switzerland, also urge the transfer of the child to a completely new environment, on the ground that, otherwise, conflicts may arise in respect of the claims of his own family. In Canada, on the other hand, it is averred that children should, when possible, be placed in their own neighbourhood, while in the United States official opinion is that provision should be made for the child in his own community. In support of the latter opinion, it is averred that—especially in the case of a parent whose child is placed elsewhere for economic or health reasons, or, say, in the case of an unmarried mother who is maintaining her child—consideration must be given to the desirability of having the child in the vicinity in which the parent can visit it.

The chief difficulty reported in the different countries in the development of rural placing is that of adequate supervision. Where supervision is provided through a central agency, there

is the difficulty of frequent conference and counsel with the foster-parents, and if this function is left to local and voluntary effort, it tends to suffer from the natural community of interest of people of the same neighbourhood. The Norwegian reply indicates this difficulty. There, the law prescribes that supervision shall be entrusted to the nearest neighbour. The intention was to afford protection to children placed in distant and isolated parts; but the very interdependence of neighbours one upon the other operated to defeat effective supervision where such was often needed. The officials of the canton of Berne also state that serious difficulties have arisen in supervision in rural areas, because considerations of neighbourliness, of relationship, and of the economic need of persons from whom children might be removed have operated to affect the judgment of supervisors.

Where placing is individual, most of the countries utilising the system appear to be obliged to combine official selection and supervision with the employment of voluntary assistants. These persons may be seconded to this type of voluntary supervision as a public duty, as in the Danish and Norwegian systems, or they may be retained on payment of a small fee, such as is practised in connection with the Finnish "Homes for the Homeless". In Switzerland, in addition to women inspectors specially trained for this work, members of the women's organisations are employed as honorary visitors, and these voluntary supervisors are generally found among teachers, nurses, or the clergy.

On the whole, voluntary supervision does not appear to be widely effective, and attempts have been made in different countries to give these voluntary helpers short training courses or to call them in for conference and instruction. For instance, in Belgium all district visitors are called into conference twice a year, while in other countries, notably Denmark and Finland, attempts have been made to provide special training courses; these, however, are reported to be but a qualified success.

On the whole, there seems to be a trend to replace voluntary visitors by full-time qualified officials; or, where this is impractical, to place voluntary helpers under the direct guidance and control of officials employed by a central agency. In some countries, there is a tendency to concentrate only on the health aspects of placing, while, in others, little attention is paid to medical or

nursing supervision. On the whole, the public health services seem to be the first to extend into rural areas following upon the development of school services, and many of the replies suggest that, where health services extend into rural areas, the health visitors might be entrusted with the supervision of child-placing, provided that intensive courses have been given in social work to the persons who would be so employed.

Where a full-time qualified visitor is employed, however, there seems to be a general conviction that part of his or her duty should be to develop a broad sense of public responsibility among the citizens generally for a community-wide conscience as to the well-being of foster-children placed in the area. The gathering together of citizens for discussion of the problems involved and even the creation of local auxiliary committees are advocated as desirable, since "the best form of supervision and control is a strong public opinion".

Other difficulties revealed in the analysis of placing systems in rural and village areas is the tendency of local authorities—often in the urban areas—to utilise the farm homes purely on a basis of economy. France seeks to control this danger by imposing a minimum fee, which is fixed by public decree and varies according to costs in different areas. In other countries, centralised boards, or approved voluntary agencies independent of the local authorities, are employed by the State to develop standards, and particularly standards of payment for children placed out.

It is in the matter of education and schooling that the foster-child in a rural home may be definitely handicapped. The village or district school may not offer education comparable either as to method or content with that available in urban schools. In parts of the United States of America, the consolidated school, serving several rural school districts, has solved this problem.

Many countries report the danger—especially in the free homes—of exploitation of the child through heavy labour. While many countries have regulations prohibiting such employment, the real problem is one of public opinion, for it is stated that one of the serious problems of rural life is the tendency of farmers to overwork their own children.

Many of the replies pointed out that one serious problem involved in the use of rural areas for placing is the narrowing of

opportunity for vocational preparation, since not all children are suitable for agricultural life. Particularly does this problem arise when children who are to be returned to their own parents in towns or industrial communities are placed in rural areas. The devices adopted to remedy this defect vary. In Yugoslavia, only children of rural origin are placed in the villages. In France, by a Decree of 1935, children found unsuitable for rural life are transferred to apprentice schools or placed in artisans' families in the cities. In several of the Swiss cantons, special provisions for vocational guidance are made available for children placed in rural areas, and they are transferred to other centres accordingly. A similar system exists in Finland, but children so transferred are placed in hostels in urban centres. Some countries also provide for special agricultural schools for the training of children placed out in these areas.

In practically all the replies, the opinion is expressed that the ultimate success of child-placing in rural areas can be assured only if supervisory responsibility extends to the establishment of children so placed either as employed agricultural workers or on land of their own, or to their transfer and ultimate establishment in urban vocations if they leave the rural home in which they are placed.

The uncertainty of employment among industrial workers offers a handicap in urban placing, particularly if the majority of the children are placed in artisans' or mechanics' homes.

It is apparent from the following brief description of the use of urban foster-homes in the various countries that there is recognition of the need of a flexible programme which utilises the best resources of both city and country.

(c) *Extent of Urban and Rural Placing.*

The examination of available data regarding present practices in the use of urban homes for foster-home care shows a variety of methods. Although seventeen countries stated a preference for homes in rural districts¹ and ten countries preferred urban

¹ The United States of America, Australia (South Australia), Austria, Belgium, the United Kingdom, Czechoslovakia, Hungary, Ireland, Italy, Latvia, Lithuania, the Netherlands, New Zealand, Norway, Roumania, Sweden and Yugoslavia.

districts,¹ it cannot be assumed that these represent definite practices in all instances, since the word "preference" indicates the possibility of choice.

Denmark, Canada, Japan and Switzerland definitely stated that children were placed in foster-homes in both country and town. In addition to the factors which affect the choice of an individual home, the degree of cultural development of rural communities and open country has undoubtedly influenced the preference for urban placing in those countries where no general use is made of rural foster-homes.

2. *The Placing of Children in Families under Public Guardianship: Principles involved in Some Typical Systems.*²

The aim of public guardianship, whatever its form or *locale*, is to protect in every way the moral and material rights and interest of the child. In this respect, it does not differ from the purpose of the private or voluntary organisations which provide for the child deprived of proper parental care and affection. Both are interested in the welfare of children. However, the assumption of this responsibility and the provision of means of accomplishing these ends by the State have, in general, broader scope and wider implications than is the case when a private organisation provides care.

In considering the purpose and activities of public guardianship authorities and of private organisations, it can be said that their aims and, in some cases, their methods and practices are similar, but the underlying philosophies differ. The privately financed organisation may care for many children who are neglected, dependent, illegitimate or delinquent, as the case may be, but the type and extent of its services are determined (within certain limitations which may be imposed upon them by Federal, State or local regulations) by the governing body and financial resources of the organisation. The public guardianship authorities, on the other hand, must provide for those children whose care is specified

¹ Australia (Western Australia, Queensland), China, Estonia, Finland, Luxemburg, Mexico, the Netherlands, Netherlands Indies, Spain, the Union of South Africa.

² This section was prepared by Miss Elsa CASTENDYCK, of the Children's Bureau, United States Department of Labor, Washington, D.C.

in Federal or State laws. While the element of choice is absent in the latter instance, of greater importance is the evidence of the recognition by the State of its paternal responsibility for the welfare of the less favoured children of the country. It amounts, in fact, to recognition that certain children, by virtue of the circumstances of their birth or because of physical, mental or social handicaps, are in most instances in greater need of care and protection than children in more auspicious circumstances. Thus we find countries providing public guardianship for children of illegitimate birth, because the circumstances surrounding their birth and rearing are likely to be inimical to their welfare. Similarly, State guardianship may offer protection and care to children socially handicapped by reason of dependency or parental neglect. While the physical and spiritual well-being of the child remains the responsibility of his parents, the State regards itself as bound to assume these responsibilities when the family is not able to do so itself or fails in its duties in this respect and when, furthermore, the work of voluntary organisations is not adequate for this purpose.

Legal provisions for public guardianship vary from country to country, both as to the Governmental agency administering the service and the provisions for specific classes of children. In Belgium,¹ the public relief commissions act in this capacity, while in France² the work is done by the prefects of the departments or their agents, except in the Department of the Seine, which consists of Paris and its surrounding territory, where this is under the Director of Public Assistance of Paris. In Denmark,³ Finland,⁴ Germany,⁵ Norway,⁶ Sweden,⁷ and Switzerland,⁸ the local child welfare agency, termed a council, bureau or board, as the case may be, assumes responsibility for public guardianship. The United States of America and Canada have no Federal laws

¹ Law of March 10th, 1925, on public assistance.

² Law of June 27th, 1904, on aid to dependent children, Article 11.

³ Social Welfare Law of 1933, Part II.

⁴ Child Welfare Law of January 17th, 1936.

⁵ National Child Welfare Law of July 8th, 1922.

⁶ League of Nations document C.P.E.521, Child Welfare Councils in Norway.

⁷ Text till Lag om Samhällets Barnavård och Ungdomsskydd.

⁸ A. WILD: *Handbuch der sozialen Arbeit in der Schweiz*, vol. 1, Zurich, 1933, pages 495 et seq.

providing public guardianship. In the United States of America, circumstances vary from State to State. Most States provide some form of public guardianship, which is generally accomplished by action of juvenile courts. A similar situation exists in Canada, where, when other resources are not available, the provincial governments may accept through court action the guardianship of children in need of care.

With the hope of bringing assistance to children particularly in need of consideration, specific mention of public guardianship is made in child welfare legislation as it pertains to illegitimate children in Austria, Finland, France, Germany, Portugal, Sweden and Switzerland, and in certain States in the United States of America—notably Minnesota. In Finland and Sweden, the authority and duties of the guardian begin before the birth of the child and continue until he has reached the age of 17 and 18 years respectively. In Austria and Germany, guardianship of illegitimate children begins at birth and extends, in principle, up to the attainment of majority. In Germany, if the care of the illegitimate child is entrusted to a private guardian, he remains under the administrative supervision of the Jugendamt (Office for the Protection of Young People) until the age of 14 years.

Consideration of the laws and practice in Austria, Finland, Germany, Sweden, Switzerland, and in certain States in the United States of America indicates that, in general, the State aims to advise and assist the mother and thus safeguard the rights and interests of the child; and while the mother has the right and is under obligation to provide for the child's bodily needs, the State is charged with special responsibility if she fails to care for the child, the State acting in the capacity of a curator.¹

Wayward and delinquent children are mentioned in the laws of Belgium,² Canada,³ Denmark,⁴ Finland,⁵ France,⁶ Sweden,⁷

¹ The word "curator" is specifically mentioned in the Civil Code of Switzerland and is descriptive of the duties and powers of the guardian in Finland.

² Child Welfare Law of May 15th, 1912.

³ Revised Memorandum on the Placing of Children in Family Homes, Canada, 1935 (prepared in response to a questionnaire issued by the former Child Welfare Committee of the League of Nations), page 12.

⁴ Social Welfare Law of 1933, Part II.

⁵ Child Welfare Law of January 17th, 1936.

⁶ *Bulletin législatif Dalloz*, 1912, and 1935, page 890.

⁷ Text till Lag om Samhällets Barnavård och Ungdomsskydd.

Switzerland,¹ and certain parts of the United States of America. An interesting example of this specialisation is found in the State of Minnesota in relation to "children needing special care". The child may be adjudged by a juvenile court as a dependent and neglected child needing special care when it appears that, among other difficulties, he is "affected by habits, ailments, or handicaps that produce erratic and unstable conduct".²

Consideration of the merits of public guardianship and the safeguards of the welfare of children resulting from it should include significant aspects of the experience of different countries in this regard, as noted on the reports of these countries to the League of Nations. The conclusion of the report on public guardianship in Germany is as follows :

"The campaign in favour of professional guardianship has had an undoubted success by drawing the attention of public opinion to the critical situation of illegitimate children, and by giving rise in the most varied domains of public and private law to proposals and schemes of reform with a view to granting to illegitimate children the same conditions of development in social life as legitimate children."³

It does not seem unlikely that other countries have had similar experience in relation to children with social handicaps other than illegitimacy, when the attention of the public is focused on their plight. A system of public guardianship may serve to acquaint the people with the nature and extent of child welfare problems within their State.

The report also contains the following regarding the experience of Switzerland :

"Such guardianship, in particular, forms a systematic and effective safeguard for the interests of wards [illegitimate children] by ensuring that the child will be supported by his father."

Frequent and necessary changes of domicile of both mother and father are factors militating against proper care of children,

¹ A. WILD : *op. cit.*, vol. I, pages 495 *et seq.*

² Compilation of the Laws of Minnesota relating to Children, 1935, page 18.

³ See document C.265.M.153.1932.IV, page 8.

particularly those of illegitimate birth. The conclusion of authorities in Switzerland is :

“ It is hardly conceivable that children could be properly protected if there were no official guardianship or offices for the protection of young people to give the guardians and authorities of the new place of residence the necessary information and help.”¹

Regularisation of procedures and practices throughout the State as a result of public guardianship would undoubtedly bring uniformity as to the quality and quantity of local services in behalf of handicapped children.

The experience of Sweden regarding the value of skilled personnel is noted in the report as follows :

The responsibilities of guardianship are considerable and call for skill and combination of special qualities. The use of paid and official guardians is preferred over that of voluntary and unpaid workers, “ the advantage being that such professional guardians can devote all their time to their duties and acquire greater experience from the fact of their being responsible for more than one child ”.²

These experiences would indicate that programmes for public guardianship include values other than the care of the children alone. The possible educational benefits, the uniformity of standards resulting, and the demonstration of the worth of trained and skilful workers should redound to the benefit of children other than those who are wards of the department.

3. *The Placing of Children in Families under Public Assistance Authorities: A Brief Summary of the Principles involved, with Particular Reference to the System applied in the United Kingdom.*³

Possibly owing to its comparatively later development in many countries, placing by the public relief authorities has not been dealt with as adequately in the replies of Governments as

¹ See document C.265.M.153.1932.IV, page 10.

² *Ibid.*, page 13.

³ This section was prepared by Miss Charlotte WARRTON, Director, Canadian Welfare Council, delegate of Canada in the Advisory Committee on Social Questions, and by Miss Elsa CASTENDYCK, of the Children's Bureau, United States Department of Labor, Washington, D.C.

have many other phases of placing problems. Therefore, no comprehensive analysis of such placing can be made, but some deductions of value may be gleaned.

The acceptance by the Federal, provincial, State or local community of the guardianship of a child places a special responsibility upon the political body. It assumes all the obligations of a parent. Incompetence and moral neglect constitute sufficient reason for the forfeiture of parental rights. War, famine and other disasters have added heavy burdens to public authorities. In the United States of America, some of the individual States have assumed all the legal and financial responsibilities of guardianship and discharge them under the system in vogue in the particular State. Many of these children are cared for in boarding-homes until such time as the guardianship is transferred to an individual or a family. The extent to which the system prevails depends largely upon the legal provisions authorising guardianship and the social philosophy and attitude of the people of the State as expressed in available resources in the form of social welfare agencies. State schools and State-wide placing services, either combined or functioning independently, are illustrations. The principle of preserving the home and so far as possible making it a safe and desirable place for the child is generally accepted. To carry the assumption one step further places upon the local community—village, town, province or county—the necessity of providing care for the child deprived of his own home and parents. The strengthening of local welfare services in order that the child may so far as possible remain in his own community may result in maintaining family (if not parental), racial and religious ties. In many instances, this will be a means of providing the sense of security which is essential to the development of all children.

The wholesale practice in some public assistance schemes of shipping children from one community to another has undoubtedly caused much to be lost. Kinship ties are strong, and their severance is frequently a traumatic experience which leaves a lifelong scar. Caring for the child in so far as is desirable for his welfare in his local community presupposes adequate welfare services in all its forms, at that point as well as in the central Governmental body. The organisation of county or district boards concerned with family health and social and economic welfare is a basic need

in a child welfare programme. It is therefore of special interest to discover that in eleven countries—namely, the Union of South Africa, Australia, the United Kingdom, Czechoslovakia, Estonia, Hungary, Japan, Latvia, Lithuania, Switzerland, and Yugoslavia—the local authorities (municipality, commune, district guardianship authority, etc.) are responsible for the decision regarding the need for boarding, the care being then provided by the poor-relief authorities. On the other hand, in Austria, Belgium, Czechoslovakia, Danzig, Denmark, Finland, France, Ireland, Lithuania, Luxemburg, Mexico, Norway, and Switzerland, the public relief authorities deal directly with the boarding-out of children.

A word of caution might be spoken here. On the whole, local authorities responsible for the administration of assistance and relief are elective or directly appointed by elective bodies, and on occasion considerations of expediency, especially of a financial nature, may prevail in the decision as to the nature and type of care provided. Therefore, if such decisions are to be made solely on the basis of the child's best interests, other and additional safeguards must be evolved to this end. Various countries have evolved different devices to give this assurance, such as overriding State or provincial regulations, administrative boards nominated by the Governmental bodies, assessing of maintenance by judicial order, etc.

The assumption by public assistance authorities of the placing of children in boarding-homes is determined by both theoretical and practical considerations. The selection of a foster-home based on the individual and specific needs of the child and the guidance through the precarious years of childhood and youth require wisdom, knowledge and skill sufficient to warrant the classification of such services along with those of a specialist in other fields; hence the inclusion of these services in the duties of the official or social worker whose major responsibility is the dispensing of material relief appears incongruous. Social conditions, geography and topography may warrant administrative measures delegating this work to public assistance or public relief organisations. Furthermore, the presence of a child welfare expert within the department may provide the necessary advisory and consultant services. That child welfare is only one unit of general social welfare is beyond question, and the necessity of close

alliance between the two is generally accepted in modern social work. It is therefore impossible to gauge the value of the placing-out service in the thirteen European countries which include the boarding-out of children among the duties of their public relief agencies. If this form of administration results in maintaining family solidarity, thus obviating the necessity of removing the child from the home, it is commendable. If it tends to minimise the need for individual consideration for children requiring such care, it is open to criticism. The Norwegian Law of 1900 provides for the placing of a child by public relief authorities if the parents are ill or are destitute and cannot keep the child in the home, or if the child has lost one or both parents. The practice may include all the essential services to the child if the other safeguards provided by law are observed (supervision by public health councils or salaried persons specially employed for this purpose), and therefore constitute no hazard to accepted standards of child-placing.

The experience of the United Kingdom is of particular value, for here boarding-out by the Public Assistance authorities seems to have been developed over a more extensive period of time, and over a larger group than in most of the States reporting. From information to hand in the summer of 1937, it would appear that approximately 6,500 children were then boarded out under the Poor Law in England and Wales.

The Public Assistance Order restricts boarding-out to orphans and deserted children and those in respect of whom parental rights have been assumed by the local authority under Article 52 of the Poor Law Act, 1930.

Children so boarded out must be under the care of a Boarding-out Committee and must be visited not less often than once in every six weeks. Moreover, no child may be boarded out with a foster-parent who is in receipt of relief, and a foster-parent may not insure a child for payment of a sum of money upon death. A child must be placed with a foster-parent of the same religious creed.¹

The usual scale of payment ranges from 7s. 6d. to 12s. 6d. weekly, according to the type of district and the age of the child.

From a recent survey, made by officials of the responsible

¹ Other detailed regulations, such as those governing the number of children who may be kept with one foster-parent, are included in Part VI of the Public Assistance Order, 1930.

Ministry, of boarding-out in all parts of the country, it was ascertained that the arrangements for supervision were not as uniformly satisfactory as would be desirable. In some areas the inspection and visitation were thoroughly well done; it appeared that adequate safeguards could only be assured through the appointment of trained or experienced supervisors.

In all the counties and county boroughs in England and Wales in which children were boarded out, Supervising Committees exist as required by the Act and Regulations. Actual visiting in some counties and county boroughs was carried out only by the women members of the Boarding-out Committee, and though this worked satisfactorily in certain cases, as a rule it was found that the general standard of efficiency was better maintained where the local authority had a full-time salaried officer who could co-ordinate and advise upon the visiting by members of the Committee and supervise the children's homes in the area.

The best example of a well-organised county was found to be one with an efficient County Children's Officer with three local boarding-out Assistant Visitors and eight local Committees for different parts of the county reporting to a general Children's Committee. It was considered noteworthy that where the supervision and organisation was good, suitable foster-homes seemed to be available. In another particularly good county, there were a central Boarding-out Committee for the county and six local Committees.

In many of the poorer county boroughs, suitable homes are not available, and in these it is deemed undesirable to board out. In one county borough, boarding-out is followed for almost all cases. Here, an interesting relationship was discovered—the work is under the Education Committee and is supervised by whole-time boarding-out visitors on the staff of the Chief Organiser of the Juvenile Employment Bureau.

The opinion of those dealing with destitute and homeless children, in regard to the relative advantages of homes and boarding-out, is reported as differing widely. On the one hand, some counties board out entirely; on the other, some people who have given many years of their lives to the study of this question consider that the children are given a better start in life by being placed in small homes with sensible house mothers.

The points emphasised by inspectors and others in boarding-out under the Public Assistance authorities may be summarised as including :

1. The importance of appointing a Children's Officer or Supervisor for the area of the local authority concerned.

2. The importance of regular visitation by a visitor sufficiently instructed to give adequate supervision.

For this purpose it is deemed desirable to have a paid worker and not to rely upon the members of the local Public Assistance Committee. It is felt that an increasing number of authorities will probably appoint Health Visitors for this work, and this is considered as likely to be sufficiently satisfactory if attention is paid to the older children and to purely preventive work. Officers sometimes found suitable for the supervision of boarding-out, where there is not sufficient work for a whole-time officer, are visitors serving both a Public Assistance Committee and the officers of the Education Committee. One combination deemed satisfactory is where the same visitor supervises boarding-out and after-care of children of 14 to 18, and also carries out the function of a juvenile employment officer.

3. The desirability of regular committee meetings and careful consideration of the reports of the visitors, in order that necessary action may be taken.

4. *Collaboration in Placing between Public Authorities and Voluntary Organisations : Underlying Principles and Typical Examples.*¹

Voluntary effort inspired by the necessity of caring for children whose needs had not yet been recognised, or, if recognised, not assumed by public authorities, has resulted in collaboration in placing between public and private agencies in many countries. In the United States of America, various systems of co-operation

¹ This section was prepared by Mrs. Anna Kalet SMITH, and Miss Elsa CASTENDYCK, of the Children's Bureau, United States Department of Labor, Washington, D.C.

are in vogue. In some States the payment of a subsidy to private child-placing agencies, some of which are under sectarian auspices, provides foster-home care for large numbers of children. The plan of payment on the basis of the number of days care and the number of children given care by the voluntary agency represents another system, probably less widely used, but generally more satisfactory. In each instance, the voluntary agency pays a considerable portion of the actual cost of boarding the children, and in addition provides the social workers and other personnel required in the selection of homes and the placing and supervision of the children. A third plan in vogue in a limited degree only—in the care of children needing special services—provides for the payment of fees sufficient to cover all costs involved in the care.

Since private charity frequently precedes public responsibility, voluntary agencies have had in many instances fully developed services, including trained personnel. The economy of using these organisations, rather than duplicating the plan, was obvious, and led to a continuation of the policy. With the recent growth of public services on a broader basis, both in extent and variety, public agencies have developed similar services. The recognition that the satisfactory placing of children in foster-homes requires skill which may in truth be called a "specialised service" has also resulted in the continued use of voluntary care agencies by public authorities, especially public assistance boards unable or unwilling to provide the required specialised foster-home care in their own organisations.

In European countries and some non-European countries, the experience has apparently been much the same; the variety and type of plan is determined by local needs. Austria, Belgium, Chile, Czechoslovakia, Denmark, Finland, Italy, Latvia, Lithuania, the Netherlands, Spain, Sweden, and Turkey all reported the use of private or semi-official agencies.¹ In addition to serving as pioneers in the field of boarding-care, voluntary agencies have also stimulated and directed efforts to obtain legislation which has led to proper public supervision or control of the private organisations. Three countries may be especially studied as

¹ See document C.P.E.515, pages 5, 6.

offering comparable yet different developments in a system of public and voluntary collaboration in the protection of children, cared for in homes other than their own—the United States of America, Canada and Finland.

(a) *The United States of America.*

Collaboration of effort between public authority and private child-placing agencies falls into two clear cut classifications :

- (1) That being promotional and regulatory in nature and based on legal and administrative policies, and
- (2) Co-operative effort in the direct care of children.

The two are interdependent, as the effectiveness of the latter is greatly influenced by the form, provisions, and personnel of the legal and administrative structure within which the actual work of child-placing is done.

(i) *Regulation of Child-caring Agencies by Public Authority.*—Uniform standards which will serve as a means of protection for all children in foster-homes are of particular importance in the United States, where foster-home care is furnished by more than 900 child-placing agencies. There is no Federal law which applies to the entire country; however, all but three States have some type of supervisory control of child-placing. Conditions in the States vary widely, and as the systems are designed to meet the needs of individual States, there is variation in the form of collaboration. It may be through the issuing of permits by the State department to those agencies which meet certain qualifications and thus empowering them to select foster-homes, and to place and supervise the foster-children in these homes. In some States, licences or permits are issued directly to the foster-parents by the responsible State department upon the recommendation of its own agents or of a public or private child-caring agency. In both systems, the private and public child-placing agencies share with the State department the responsibility and effort necessary to establish and maintain the minimum standards and to enforce the regulations necessary to provide good foster-home care. In some States, public and private agencies have

conferred with and assisted the State department in formulating the statement of standards and regulations. In nearly two-thirds of the States, all boarding-homes must be inspected and licensed by the State department. Many of the homes are those in which children are placed and maintained by private agencies.

Some State laws require licensing and supervision by a State department of those agencies which place children in adoptive homes, and require the State to investigate the circumstances of the adoption before the necessary legal action is completed. The State department shares with the private agency the responsibility in a highly important step in the child's life.

Voluntary agencies have contributed to the work necessary to obtain better legislation for the protection of children. They have in some instances provided, in collaboration with public authorities, the initiative and leadership which have resulted in greatly improved conditions of child care.

(ii) *Co-operative Effort in Child-placing.*—Private resources for protective services for dependent and neglected children in their own homes and for foster-home and institutional care for all types of children are available in varying degrees in different parts of the country; the extent to which they reach rural areas and all types of children in need varies greatly. The services of private agencies are more generally available in cities than in rural districts. In some States, sectarian and non-sectarian organisations whose work covers a State-wide or regional area reach a considerable part of the rural population. Institutions and child-placing agencies in urban areas often serve adjacent rural territory. Co-operation between public authority and private effort is extensive and exists to a greater or lesser degree in every State. Variations in form of co-operation are occasioned by the type of agency participating and the degree to which other child welfare services have developed.

Children who are in need of care because of dependency or neglected may become the public wards in many States. Provision for their care is made in various ways. The State may maintain an institution, or combined institution and child-placing service, or study home available for those children requiring

physical or mental diagnosis preceding placing in a foster-home. State departments also avail themselves of the services of private child-placing organisations.

A second method of care which is practised in some States is that in which a public authority may assign to private child-placing agencies the responsibility for selecting a foster-home and supervising the child in the home. Institutional care is also provided by voluntary organisations under this arrangement. Services for children who are in need of study and specialised care because of behaviour or personality problems, or are sick, crippled, or otherwise disabled, may be provided by a private agency where the public authority is unable to do so. The cost of care may be met in part, and in a few instances in full, by public funds. The length of time the child is under the care of the private organisation varies. It may be a few weeks or months during which some special type of service is being performed for a public agency, or for his entire childhood. Where public funds are paid to private agencies, the desirable method is payment on a *per caput per diem* basis for services rendered to individual children and to cover as far as possible maintenance costs. It cannot be said that this is the general practice. Private agencies frequently receive only a portion of the cost of maintenance, and provide services of specialists in many of the fields related to child care. Variations of this type of collaboration exist in many parts of the country.

(iii) *Recent Efforts in Effecting Collaboration between Voluntary Organisations and Public Authority.*—In several States, conferences, exchange of staff members, and other devices have brought about close co-operation between public and private child-caring agencies. The several White House conferences called by Presidents of the United States to consider the problems of child welfare have also resulted in closer working relationships. The most recent effort in this regard was a meeting of about seventy representatives of public and private agencies and State departments held under the auspices of the United States Children's Bureau in April 1937. The group recognised the contribution of private agencies in the field of child care and protection. Their deliberations and conclusions, portions of which are quoted below, promise continued collaboration and increased effort on the part

of both voluntary agencies and public authorities so to integrate their services that they may work more effectively.¹

“ Public and private child welfare and family welfare organisations are jointly responsible for interpreting to the public the needs of children and the social cost of failure to meet these needs adequately. Responsibility rests upon citizens, as taxpayers and as contributors, to support both public and private services for children in their own homes and for children under the care of agencies and institutions.

“ A mutual obligation rests upon public and private agencies for the development of adequate standards of service.

“ It is the responsibility of public officials to search out children in need and to provide care suited to the individual child, either directly or through authorised agencies. In every State a competent State welfare department should determine which agencies, public and private, are maintaining standards required for good service to children. The State's approval of standards of care should be required for all agencies caring for children at public expense.

“ Acceptance by a private agency of a child who is a public charge should be by mutual agreement between the public agency and the receiving agency.

“ In applying this principle, there should be agreement in each case between the public agency and the private agency that the care to be provided is the best that is available in the light of the child's particular needs. The responsibility of the public agency to plan jointly with the private agency for the child and his family should continue at least as long as it authorises public funds for the care of the child. Termination of care by the private agency should be decided upon in conference between the two agencies.

“ Apportionment of financial responsibility between public and private agencies should be considered in relation to the whole child welfare programme. Adequate financial support should be secured for both public and private agencies, in

¹ Report on Discussion of Public and Private Services for Child Welfare, held under the auspices of the Children's Bureau, United States Department of Labor, Washington, D.C., April 9th and 10th, 1937.

order to make possible the development and maintenance of acceptable standards.

“ Public and private child welfare organisations have the common task of securing for every child in need of service his rights to the closest possible approximation of normal home life, to religious and moral training, to understanding and guarding of his personality, and to opportunities for health protection, education and recreation.

“ Participation of executives of public and private agencies is desirable in planning ways and means by which these objectives may be attained. This should be accompanied by such supervision and training of staff as will develop in the entire personnel understanding and appreciation of these fundamental principles of child welfare.”

(b) *Canada.*¹

Peculiarly characteristic of Canadian legislation for the protection of children is the significant partnership of the State and of private citizens, exemplified in the local Children's Aid Societies found in eight of her nine provinces. From Canada, it is reported that, in a period of broad acceptance of public responsibility for welfare needs, Government and private enterprise have perhaps worked in more effective partnership in this sphere of child protection and care than they have in other fields of welfare work—the Government looking to the private citizen in his voluntary associations to guard the interests of the unprotected child in his midst, and the private citizen, for his part, forcing upon the State, to an increasing degree, responsibility for legislative and supervisory devices adequate to the proper functioning of these services.

As the State accepts increasing responsibility in a network of services ministering to the well-being of its citizens, one essential attribute of a child-protection service would appear to assure the continuance of this obligation and responsibility as a voluntary one, in some large part at least. In any democratic State, the responsibility of Government is to serve its citizenry and carry

¹ This section was prepared by Miss Charlotte WINTON, Director, Canadian Welfare Council, delegate of Canada in the Advisory Committee on Social Questions.

out its demands; but whereas adults can make their needs known and demand their rights as citizens of the State, the child is helpless in this respect and is not in a position to make demands of his Government. He must speak through his adult protectors, and there will always be a necessity for vigilance and protective associations on behalf of children, for searching out and assuring their needs and rights, and a ready service to give immediate help, whether or not they fall within the classes defined as eligible for State protection and assistance.

(i) *The Children's Aid Society*.—In eight of Canada's nine provinces, the Children's Aid Society is the answer to these needs. In these provinces, legislative provision is made for the creation of such a voluntary association of citizens locally "having among its objects the purposes of the protection of children from cruelty, the care and control of neglected children, and generally the discharge of the functions of a children's aid society under this Act". These societies, under the provisions of the Children's Protection Statutes and subject to certain supervisory powers of the Provincial Department, are then charged with responsibility for the care and protection of children within their respective areas. In territories not served by a Children's Aid Society, the responsibilities of such an organisation are vested in the superintendent of the provincial child-caring services.

(ii) "*Child Protection*" and "*Child Care*".—In considering the functions and responsibilities of the Children's Aid Society, clear distinction should be made between the terms "child protection" and "child care". The eighty-six Children's Aid Societies which function as autonomous agencies in these provinces are recognised as essentially child-protection services which discharge functions of child care as well. Although constituted as voluntary societies, as already noted, they must be recognised and granted incorporation by Order-in-Council of the Provincial Government, and they are then charged with these specific responsibilities under provincial legislation revolving round the guardianship of children. The many children's homes, orphanages, and other benevolent societies caring for children, on the other hand, are more suitably termed "child-caring" agencies. Only a few of the oldest of these societies possess any guardianship privileges or obligations.

The term "child protection" is therefore applied particularly to all effort which is primarily concerned with the assurance that a child's parents are suitable and responsible people to be entrusted with his care and upbringing, and with the full legal responsibility for him; with actions designed to influence or compel parents whose guardianship may be at fault to discharge their obligations properly; and with instituting the proper legal procedure to have guardianship broken, when it has been found inadequate, and a new and responsible guardianship created.

When the child's natural guardianship must be broken or becomes non-existent, the responsibility of assuming that guardianship is vested in the Children's Aid Society, or, in the absence of such a society, in the Provincial Child Protection Officer.

The provincial statutes define the exact conditions under which children must be considered as in need of protective action by these societies.

When any child appears in danger from any one of these specified conditions, the Society may undertake preventive work with the home and the family, looking towards strengthening it to become a proper guardian for the child. But if the continuance of the child in that home seems unsafe for the child and the community, the representative of the Children's Aid Society or a police official or certain other public official specified in the various enactments may immediately remove the child without warrant, and take that child to what is described in the legislation as a "place of safety". Every Children's Aid Society must maintain one or more such "places of safety" within the area of its jurisdiction, but this "place of safety" may be its own home or shelter, a co-operating home or orphanage, or even a private home, so long as approved by the provincial authority. When the case is brought before the court, the court may simply order the child to be returned to his parents, with or without supervision by the Society, or make him temporarily or permanently the Society's ward.

(iii) *The Importance of Guardianship.*—It will be seen that the fundamental principle in the Canadian child-protection system is that it is essential to the well-being of any child that responsible guardianship should rest with some person or persons (preferably the parents) or a responsible body, and that the responsible

guardian should definitely undertake his care, training, education, etc., through all the years of his minority, and should guarantee some continuity therein. The guardian can be held responsible under the law for the adequate discharge of this guardianship, and when such guardianship is lacking, as in the case of a child deserted by an unmarried mother, or inadequate or impaired, or so unsatisfactory that the child must be removed from it, there must be legal recognition of the fact that the child's natural guardianship has failed, and corresponding public provision for the constitution of other and new responsible guardianship.

The Children's Aid Society thus stands in the relation of parent in its responsibility to children committed to its care. Those children may be maintained in one of the Society's own institutions, or they may be placed in a boarding or free home under the Society's supervision, or they may be in the care of another benevolent organisation in the community; but the responsibility of the Society as legal guardian remains. That guardianship is, of course, transferred to the adopting parents when an adoption is completed, but, during the probationary period preceding adoption, that responsibility remains with the Society.

(iv) *Meaning of "Child Care".*—"Child care" may be described as a duty incidental to guardianship, but it means merely the actual care of a child by its own parents, by a society, a children's home, a private home, an institution of any kind, a hospital, a convalescent home, etc., apart from the legal aspect of guardianship. There are many circumstances in which the quality or type of care given to a child may endanger his well-being, and yet may in no way reflect upon the sincerity or suitability of the parents' natural guardianship.

The community's responsibility in these latter cases is one of providing only essential economic assistance to the parent or guardian to the extent of making it possible for him or her to discharge the guardianship which he or she is otherwise quite capable of safely exercising. Therefore, legislation¹ to meet the

¹ Of such nature in Canada are the Mother's Allowances Acts, the Unmarried Parenthood Acts, the Deserted Wives' and Children's Maintenance Acts, etc.

needs of such cases in no way impinges upon guardianship rights, but concerns itself only with the ways and means of meeting the economic difficulties of the situation. Valuable as they are, these statutes all deal only with means of assuring child care: they do not enter the field of legal protection of children.

But in the field of child care, as in that of child protection, many cases will arise where, with the best intent and effort in the world, the solution cannot be found along the natural and most desirable line of adjustment (namely, within the child's own home and without its disruption); for instance, the home in which the mother is sent to hospital care herself and in which it is impossible to make other fully satisfactory adjustments, the half-orphan whose parent cannot maintain a household, the child whose responsible older brother or sister or other relatives are in a similar position, children requiring perhaps some continuous and consistent discipline or care which it is not within the resources of the home to provide, perhaps because of other children, etc. One could describe many situations of this nature in which the child's need is solely one of care, and of care outside his own home, with no problem of guardianship involved. In all these cases, what is required for the child is simply good care, and generally on the application of his parent or guardian or someone acting on their behalf, and often on a basis of partial contribution. The care sought may be purely supplementary—*e.g.*, the day nursery in which the working parent seeks daytime care—or it may be purely temporary, for short or long periods, or it may be over a protracted period of time and practically permanent in nature—*e.g.*, the care of children assigned to the custody of one parent in a family broken by divorce.

(v) *Child Care largely voluntary.*—Such child care has been traditionally given by the benevolent or charitable institution which has been prepared to accept children on a free, semi-free or paying basis, either directly from parents or guardians, or on being placed under agreed conditions by another agency having their legal guardianship—most frequently a Children's Aid Society.

In addition to its child-protection responsibilities, the well-organised Children's Aid Society operates as a "child-caring" agency as well, and in practically every large town in Canada

these societies will be found to have many "non-wards" in their care, in addition to the "wards" who have been committed to the Society's guardianship. That is, a society may function exactly as an orphanage or other children's institution, accepting children whose need is for care only, without any transfer of guardianship and with contributions towards maintenance from the child's own parents and guardians, or on an entirely free basis, as the case may be. The Society frequently utilises the facilities of other agencies in the community in arranging for the care of both its ward and non-ward cases.

The investigation of all the circumstances which will determine the necessity or otherwise of the child's temporary or permanent break with his own home, and the "home-finding", "placing" and "supervision" services required in the selection and use of foster-homes are all important departments of the Society's work. Another special department is usually concerned with the care of the unmarried mother and her child, and the re-establishment of both in the community in circumstances which will be most conducive to their future welfare. The Society's work is also necessarily linked closely with that of the Juvenile Court.

(vi) *Two Great Contributions of the Children's Aid Society.*—As will be seen, the truly important contribution of the well-organised Children's Aid Society to Canadian welfare work is manifest, not merely in the discharge of those minimum responsibilities where legal powers must be evoked to disrupt a home which has failed to discharge its responsibilities, to "apprehend" a neglected child and to assume responsibility for his custody and care, or to grant State protection to the orphan, but also in that "second mile" of timely protection to the endangered child in his own home and neighbourhood environment, in the stimulation of community interest in the welfare of children, and the many preventive services which the voluntary support of the community has made possible.

For its "legal minimum" of responsibilities, the Children's Aid Society is compensated by public grants and fixed scales of maintenance allowances for children actually committed to its care. Its equally important services in the prevention or amelioration of home conditions which place a child in danger are developed largely through voluntary support from the community

itself. Only in a small proportion of the children taken into the care of the well-organised Children's Aid Society does permanent disruption of family bonds take place. The organisation works on behalf of many children whom it has never found necessary to remove from their own homes, and even for those to whom custodial care is given, the objective of ultimate re-establishment with their own families is attained in a large proportion of cases.

(c) *Finland.*¹

The care of children in foster-homes in Finland was reorganised in 1937 as a result of the Child Welfare Law of January 17th, 1936, and the regulations for its administration issued on May 8th, 1936, both of which became effective on January 1st, 1937.

Under the new organisation, the foster-children are divided into two groups—children under private care and children under communal care. The former are brought up in foster-homes privately—that is, without any aid from the children's bureaux or social welfare bureaux. The latter are always brought up with the aid of these bureaux. Only the children under private care are called "foster-children", while the others are designated as "children taken over by the commune". The latter are under the guardianship of the commune, but not the former. Both groups are inspected by the children's bureaux or social welfare bureaux (according to Article 20, paragraph 2, and Article 29 of the law). Children's bureaux are available only in eight larger cities; elsewhere, child welfare work is done by the social welfare bureaux.

Supervision of both groups may, however, be entrusted to the above-mentioned bureaux, and also to persons who are not members of the staffs of these bureaux, but private individuals—particularly women. These inspectors must receive an authorisation. The authorisation, however, is not issued to a society as such, but to the local inspectors employed by the society. According to Article 20 of the Decree of May 8th, 1936, containing the regulations for the administration of the Child Welfare Law

¹ This section was prepared by Mme. J. E. VAJKA, of the Save the Children International Union.

of 1936, the placing of children under private care and those under communal care may be entrusted to a private society approved by the Ministry of Social Welfare.

The inspectors employed by private societies must be authorised by the children's bureaux and social welfare bureaux to investigate the prospective foster-homes and to supervise the children. Such authorisation is obtainable without difficulty, because the private societies are not paid either for placing or for supervision.

At present, there is only one such society in the country, the large national organisation called "Homes for Homeless Children", with about one hundred local branches and six hundred local women inspectors. This society was approved by the Ministry of Social Welfare on December 28th, 1936, as an agency for child-placing, and it has been recently making arrangements for the inspection of foster-homes with all communes to which it has been giving its services for some time (the society was established in 1922), and with a number of new communes.

When an agreement of this kind is made, the society takes over the following functions, which would otherwise be performed by the commune :

(a) Both placing and supervision in the cases of children under communal care. The commune orders foster-homes for a certain number of children; it gives the society information about the children and receives from it information about the homes; it also gives the society the necessary assurance for the payment of the money for the foster-care, and signs a contract with the foster-parents.

(b) In the cases of children under private care, the functions of the society are limited to supervision, which it exercises in the name of the commune. Children are placed only at the request of the parents or relatives.

The communal children's bureaux and social welfare bureaux are responsible to the Ministry of Social Welfare and its seven State inspectors for the supervision exercised by the society in their name. It is therefore the right and the duty of these bureaux to ascertain whether the society carried out satisfactorily its self-imposed duties. This is done by occasional investigations of

the homes. Naturally, the society makes no changes and takes no measures as regards the foster-children without approval of the commune.

The money for the board of children under communal care is paid by the commune through the society every three months; the local women inspectors bring the money when visiting the homes. At the same time, the women inspectors (they are trained nurses, school nurses, midwives, school-teachers, or women with some other training, for whom, in addition, special courses are given by the society) prepare a report in triplicate.

In the cases of children under communal care, one copy of the report is sent to the children's bureau or social welfare bureau which cares for the child through the society, another copy is sent to the communal administrative office, and the third copy is kept by the society. If the care given the child is not satisfactory, the necessary measures are taken by the society jointly with the communal children's bureau or social welfare bureau.

In the cases of children under private care, a copy of the report is sent to the administrative office of the commune in which the foster-home is situated. At present, 89% of the children placed by the society in foster-homes are under communal care, and only 11% under private care.

The society prefers childless couples, and for this reason many of the children are adopted. The society tries to find, as far as possible, free foster-homes for children under communal care when the financial situation of the responsible commune is unsatisfactory. Otherwise, the payments vary from 100 to 150 Finnish marks per month. This amount remains constant until the age of 16 years, or 17 in the case of children of illegitimate birth. The society also provides vocational training in agreement with the commune; one-half of the cost is paid by the commune (only in exceptional cases by the society) and the other half usually by the State. For 1937, the national legislature appropriated for this purpose one million marks; for 1938, two million. In specified cases, children may remain under communal care until the age of 21.

The children's bureaux cordially accept the aid of the society, because through the society their children can be placed more easily in other parts of the country in a completely new environment. This is particularly important for the rural communes, which, unlike some of the larger cities, are unable to have their own representatives in other communes.

Suggestions.

Experience has revealed certain defects in the present system, which is still at an experimental stage.

It is felt that a national society authorised to engage in foster-home care should have the right to decide on the selection of children to be placed in foster-homes, selection of foster-homes, and the quality of the care given by the foster-parents. In other words, the society should have the same right of inspection as the communal children's bureaux and social welfare bureaux. Instead of entrusting the inspection to the communal bureaux, as is done at present, it is felt that there should be a State inspection office. The local inspectors employed by the society would then be approved by State inspectors and not by the communes, because it is found that the local children's bureaux or social welfare bureaux are not always impartial; hence the preference for a national inspection system.

It is averred that the system of utilising voluntary workers must be gradually superseded by that of employing a full-time staff. Experience suggests also the desirability of the appointment by the State of women inspectors trained in social service, who would supervise both children and adults placed in families. It is thought that this would contribute to a unified national system of inspection throughout the country.

Such workers, it is thought, might be appointed for each commune to work with the medical social worker who is entrusted with (a) health work with school-children, (b) work with tuberculous patients, and (c) health work with mothers.

The social worker in each canton, under the system proposed, would be entrusted with supervision of children in foster-homes in the same and neighbouring communes; with children presenting behaviour problems; and with supervision and placing as children in foster-homes reach maturity.

5. *Child-placing in the Treatment of Delinquency: Principles involved and Certain Typical Examples.*¹

According to the data collected, boarding-homes were used in nineteen countries² for delinquent minors and in twenty-two countries³ for "children in moral danger and children who are removed from their homes on account of their parents' being deprived of paternal power". In addition to these, certain Latin-American countries,—namely, Mexico and Uruguay—also employ foster-home care. In Germany, both "children in moral danger and children who are already offenders" are placed in foster-homes. The essence of successful placing of the juvenile offender is found in the report received from Germany: "The important thing is to carry out a preliminary selection in a temporary home and to make a judicious choice of foster-parents."⁴ Local circumstances will determine the use of the boarding-home or institution for the temporary period during which the selection of the foster-home is being made. The essentials for the successful use of boarding-homes are not only the judicious choice of foster-parents but also a knowledge of the child as an individual and the causal factors producing his unsocial behaviour. Recent studies in the field of juvenile delinquency indicate that the behaviour problems which brought the child to the attention of the juvenile court can in a large number of cases be ascribed to emotional problems and to personal maladjustment rather than purely environmental causes.⁵ The problem of selecting the most satisfactory care for the wayward child is therefore complicated by the need to determine, first, whether a foster-home or an institution is equipped, not only to

¹ This section was prepared by Miss Katharine LENROO, Chief of the Children's Bureau, United States Department of Labor, Washington, D.C.

² See document C.P.E.515, pages 9-10. The United States of America, Australia, Belgium, the United Kingdom, Canada, Czechoslovakia, Danzig, Finland, France, Hungary, India, Italy, Japan, Luxemburg, Mexico, the Netherlands, the Netherlands East Indies, New Zealand, Norway.

³ *Ibid.*, page 9. The Union of South Africa, the United States of America, Australia, the United Kingdom, Canada, Czechoslovakia, Danzig, Denmark, Estonia, Finland, France, Hungary, India, Italy, Japan, Latvia, the Netherlands, the Netherlands East Indies, New Zealand, Norway, Roumania, Switzerland.

⁴ See document C.P.E.516, page 3.

⁵ See document C.P.E.515, page 14.

supply the child with physical care and desirable training and surroundings, but also to provide outlets for emotional frustrations and thwarted human relationships; and, secondly, if the boarding-home is chosen on this basis, whether it will be competent to meet the complicated problems presented in juvenile delinquency.

In the United States of America, the practice of using boarding-homes for children coming before juvenile courts because of the neglect of parents or juvenile delinquency is gradually becoming more and more widespread. In some cities, the court has maintained a boarding-home department or has requested the placing of the child by the public or official placing agency, the latter being considered the more acceptable practice.

Many courts make extensive use of voluntary organisations, which, through long years of effort and training of foster-parents, have developed homes especially equipped to deal with behaviour problems. In several localities, the boarding-homes maintained by a voluntary agency are used for the temporary detention of the child awaiting juvenile court action, thus obviating the dangers involved in housing large groups of children presenting varied problems.

The ages of the children so cared for depend upon the age of jurisdiction of the juvenile court in the locality. Children placed by voluntary agencies in foster-homes are usually under the supervision of the social workers from those organisations, although a co-operative scheme is frequently effected by means of which probation officers and social workers divide responsibility. Similar arrangements exist in Luxemburg, the Netherlands and the Netherlands Indies, where the cost of boarding delinquent minors in families selected by the institution is defrayed by State subsidies to institutions.¹

While the use of foster-homes in the United States of America for children coming before juvenile courts because of delinquency or the neglect of parents has increased, it cannot be said that it is a widespread and general practice. In certain States, such as Massachusetts and Virginia, the plan operates on a State-wide basis, although institutional care may be provided within the discretion of the proper State authorities. Similarly, in the United States of America the placing of children in foster-homes

¹ See document C.Q.S./B/17, page 37.

may be effected by the juvenile courts, a few of which maintain foster-home departments, while others may have available the services of public child-placing agencies. Many courts call upon privately supported organisations to provide the foster-home, and supervise the child, in which case the local authority or the State reimburses the agency in part or in full for the cost of care. In some localities, private agencies, through long years of effort and training of foster-parents, have developed homes especially qualified to deal with behaviour problems. In some instances, the court authorities avail themselves of the resources offered by private agencies.

The boarding-home is also used in a few localities—notably Boston, Massachusetts—for the temporary detention of children awaiting juvenile court action, thus obviating the dangers involved in housing groups of children having varied problems. Massachusetts and New Jersey have well-developed State systems for the placing in boarding and free homes of children who have had a period of training in an institution. A few institutions have developed a foster-home service as a unit in the total programme, thus providing close alignment between the two types of foster-care. The ages of the children cared for in this way depend on the age of jurisdiction of the local juvenile court. Children placed by private agencies in foster-homes are usually under the supervision of the social workers from these agencies, although arrangements are often made for co-operation between the probation officers and the social workers.¹

In Canada delinquent boys and girls are placed in custodial care in special training schools, or may be referred by the court for placing either by the court directly, by private agencies, under its supervision, or to the semi-official children's aid societies or directly to the provincial child-protection services. Children placed in training schools may be transferred also to private home placement under supervision. On the whole, the Canadian services report fairly satisfactory results in such placing of the mentally normal delinquent or pre-delinquent child.

Placing on parole is made in specially selected homes supervised by placement officers from the training schools to whose care the

¹ See document C.Q.S./B/8.

young delinquents have been committed by the courts. In some provinces, placing and supervision may be made by the public welfare departments. In such cases, the children are placed on a wage basis, the wages being accumulated to their credit by the placing agency, and the total amount being paid upon discharge.

To meet the cost of the care of delinquent children placed in foster-homes, funds are provided in every province either by the province or by the municipalities.¹

In a number of European countries, as stated in the reports on foster-home care in the individual countries, the judges of the juvenile courts are allowed by law to place in foster-homes, instead of institutions, children brought before such courts. This is true of Belgium, Czechoslovakia, France, Hungary, Roumania, Switzerland, and others. In the countries in which there are no juvenile courts—namely, Denmark, Norway, Sweden and Union of Soviet Socialist Republics—the placing is done by the child welfare councils or other authorities performing the functions of juvenile courts. Children are placed both in paid and in free foster-homes. Supervision in nearly all European countries is regulated by law and exercised by public or private agencies.

In the United Kingdom,² the Children and Young Persons Act, 1933, and the Children and Young Persons (Scotland) Act, 1937,³ empower juvenile courts to commit to the care of a "fit person" with a view of boarding out:

- (a) Children and young persons found guilty of an offence punishable in the case of an adult with imprisonment;
- (b) Children and young persons who need care or protection by reason of lack of proper guardianship, bad associations, exposure to moral danger, being beyond control, or having been the victim or otherwise involved in a sexual offence.

¹ "The Placing of Children in Family Homes", Canada, 1935 (revised memorandum prepared in response to a questionnaire issued by the former Child Welfare Committee of the League of Nations).

² In Scotland, the Children and Young Persons (Scotland) Act, 1932, which, together with other Acts relating to children, is now consolidated in the Children and Young Persons (Scotland) Act, 1937.

³ Approved schools are institutions for the training of young people, ordinarily between 10 and 17 on admission, which have received a certificate from the Secretary of State approving them for this purpose. (See document C.1(1).M(1).1934.IV, page 67.)

It is further provided that a child under 10 years of age shall not be sent to an approved school unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, the court is satisfied that he cannot suitably be dealt with otherwise.

Although the method has been used for the care of delinquent and neglected children to a limited extent since the Children Act of 1908, its extended use for children brought before the courts is a recent development. The Children and Young Persons Act contemplates that boarding-home care shall be the normal method of caring for young children when removal from their own homes is necessary, but it may be utilised for children and young persons up to the age of 17 years, the maximum age to which jurisdiction of the juvenile court extends. The order of commitment continues in force to the age of 18 years unless previously terminated by order of a court or the Secretary of State, or, in Scotland, in the case of commitment to the care of an education authority, by order of the Scottish Education Department. The "fit person" may be either a local authority, a relative, or other suitable private individual, but in any event the consent of the person to act is required. Since most of the children boarded under these orders are still young and the present tendency of courts is to use boarding-homes increasingly, the aggregate of children so cared for is bound to increase. Through a scheme recently initiated by the Home Office, efforts are being made to stimulate the use of boarding-homes for short or longer periods for the treatment of young offenders who have left school and are at work.

In England and Wales, the central authority exercising regulatory and supervisory power over boarding-homes for juvenile court cases is the Home Office, which is also responsible for the administration of the approved schools and probation service. In Scotland, the Scottish Office and the Scottish Education Department exercise similar power. Advice is given through inspectors, the use of circulars and the issuance of model rules for the guidance of local authorities. Except in cases under the Probation of Offenders Act where the probation officer acts under the immediate direction of a court, the actual work of boarding-care is under the guidance of the local authorities. Although the

work of the Children and Young Persons Act is normally the responsibility of the education authority of the council of the county or county borough, in England and Wales frequent use is made of the machinery of the public assistance authorities.¹ In Scotland, the work is carried out by the local education authority. The Home Office pays half of the approved expenditure for boarding-care, and similar arrangements are made by the Scottish Education Department.

Visits by a competent local person within a month of placement in a boarding-home and subsequently at least quarterly are required in England and Wales. Inspectors of the Children's Branch of the Home Office may also visit foster-children. In Scotland, detailed rules require semi-annual visits in the foster-homes caring for boarded children by the medical officers of the education authority. Foster-homes are chiefly those of artisans and are usually located in the country and small towns rather than in the larger cities.

The districts and the foster-families caring for delinquent children are largely the same as those used by the public assistance authorities for the boarding of orphans and deserted children under the Poor Law Act.

Statistical data regarding the advantages of foster-home care as compared with institutional care are not available. Foster-children appear to be readily assimilated in the communities in which they are placed.

In Latin America, foster-home placing of children was advocated in some of the resolutions passed at the sixth Pan-American Child Congress held at Lima, Peru, in 1980. At present, the foster-home placing of delinquent children is known to exist, although to a very limited extent, in at least four countries—Argentine, Chile, Mexico, and Peru.

¹ In England and Wales, the local education authority is usually the council of the county or county borough, which is also the public assistance authority, but there are also a number of minor education authorities with no duties in connection with public assistance.

In Scotland, the functions of public assistance are exercised by those councils which are education authorities (i.e., the county councils and the town councils of the four chief cities), and also by certain town councils which are not education authorities.

In the Argentine, little progress has been made so far with the foster-home placing of delinquent children. At the first National Conference on Neglected and Delinquent Children, held in Buenos Aires in 1933,¹ one of the speakers—Carlos Broudeur—stated that there was a prejudice against such children. Immigrant families, he said, often neglect their own children and could not be expected to take proper care of foster-children. In the “Argentinian family”, continued the speaker, “there is no place for strange children; only the very young children are adopted by childless couples, but in our prolific country there are very few such couples”.

Soon after the enactment of the Law of 1919 on juvenile courts, the judge of the juvenile court of Buenos Aires, in collaboration with the Rural Society of Argentina, placed a large number of juvenile delinquents in rural families. Before the end of the year, almost all the children had run away from the foster-homes. The very few exceptional cases were those of the children in whose training the foster-parents took a personal interest. It was also reported at the conference that it was easy to place girls over 12 or 13 years of age, because they were used for housework, but this method of placing, with its lack of supervision, was much criticised. The conference approved a child welfare Bill which, among other things, requires a permit for taking a child into a foster-home, even if the child is placed by his parents.²

In Chile, the Law of 1928 on the protection of minors authorises (Article 20) the judge of the juvenile court to place children called before the court in the care of suitable persons. A report on the administration of the law³ indicates that foster-home placing is one of the methods of dealing with the juvenile court cases.

¹ Argentina, Ministerio de Justicia e Instrucción Pública, Patronato Nacional de Menores: *Primera Conferencia sobre Infancia Abandonada y Delincuente, 1933* (Buenos Aires, 1934), pages 156-159 and 231.

² Foster-home placing of delinquent children is also discussed by Thelma RECA in her book *Delincuencia Infantil en los Estados Unidos y en la Argentina* (pages 213 and 228). She says that many delinquent and neglected girls are placed in families as domestic servants, and expresses doubt as to the feasibility of foster-home placing in the treatment of delinquency in Argentina; adding, however, that carefully selected placing in rural homes is more likely to be successful for children showing a preference for rural life.

³ La Dirección General de Protección de Menores y Algunas de sus Actividades (Anexo al Boletín, 1936).

In Mexico, children and young persons under the age of 18 years who are brought before the juvenile court may be ordered by the judge to be placed in foster-homes, under the supervision of probation officers. The families with which the children are placed are required to send them to school and to comply with the orders of the court. It is reported that such placing is used to a very limited extent and has not been successful.¹

In Peru, the National Council of Women, after studying methods of care of delinquent children in the United States and other countries, organised, in 1928, a special society for the protection of minors (Sociedad Especial de Patronato de Menores), which for a time received a small Government subsidy, but was later supported entirely from private funds, sharing office quarters with the National Council of Women. The new Penal Code of 1926, which provided for a children's court in Lima, furnished the legal framework within which the work was carried on. The limited facilities for institutional care of delinquent children (a detention home in Lima, a small correctional institution for girls conducted as a branch of the woman's prison, and a correctional school for boys, near Lima) were not adequate to provide for the numbers of delinquent children, chiefly of mixed Indian and white blood, who were homeless or whose homes were unsuitable. No schools or free scholarships were available for the education of these children. To meet this problem, a staff of two paid workers and a corps of volunteers undertook to place children committed to the care of the society by the children's court in carefully selected families, where they did light housework in return for their maintenance.

Under this plan developed in Peru, the child and the employer must report monthly at the office of the society, and are interviewed separately. Simple records are kept. If the child appears to need medical attention, this is provided, and part-time schooling is arranged. If the child is found to be unhappy in the home in which he is placed, he is transferred to another home.

¹ Penal Code of Mexico, 1929, Article 120.

From 1928 to 1937, approximately 1,100 children had been cared for. It is reported that many children have been placed at the request of destitute mothers, without having been referred by the court.¹

The possibilities of modifying behaviour are the foremost consideration when children and young people present personality and behaviour problems or are delinquent. The foster-home used for the care of such children is therefore called upon to perform a dual rôle—that of providing adequate physical care and of contributing to habit retraining and the development of more desirable social conduct. The child, his family, his social experiences and individual needs make up an inextricably interwoven background, which must be taken into account in providing for his care. Although delinquency in young people may present a serious obstacle to placing in a home environment, foster-homes for delinquent children and young people are in use in both America and Europe. The foster-home provides a natural setting in which the child is taught to conform to the demands that family and community life make, and will continue to make, upon him.

Conditions in the various countries and the individual situations in regard to the child determine the type of foster-home used. In some cases, the boarding-home is used; in others, children are placed in work or wage homes, where they earn their maintenance by services performed in or about the home. In the latter, the exploitation and overwork and the lack of satisfactory social and educational opportunities for the child have tended to discredit this system as a means of caring for children generally, and to a lesser extent for delinquent children. The principle of selection of a foster-home in accordance with the child's individual needs and capacities holds for the delinquent child as it does for all others for whom foster-home care is advisable.

¹ Bulletin of the Pan-American Union, November 1931, and correspondence with Señora Mercedes Gallagher de Parks, President of the National Council of Women and of the Sociedad Especial de Patronato de Menores.

6. *The Placing of Young Children in Families as complementary to Institutional Care: Principles of Organisation and Typical Examples.*¹

The difficulties which institutions experience in caring for infants and very young children have led some institutions in the United States of America and in certain European and Latin-American countries to supplement their programmes by the use of foster-homes for some of the children under their care.

Infants and very young children appear to thrive better and to develop more quickly and vigorously under individual attention and in an atmosphere of family affection, which are not as easily achieved in a group as in a family unit. Deviations from the normal—physical, mental, and emotional—unless they are of a type needing hospital or institutional oversight, are more easily cared for and dealt with in a foster-home. For the child whose special health problems require the full-time services of one person, for the young child upon whom living according to schedule, being part of a large group, feeling the impersonal relationships to several adults, make too heavy a demand for adjustment, and for the child who has no satisfying family connections, some institutions have found it advisable to expand their programmes by providing foster-family care.

Because of the susceptibility of infants to contagious diseases during their early years, some institutions have made it a practice to board infants in family homes in which the dangers of exposure to infection are lessened. In certain countries, infants are boarded by institutions in the homes of wet-nurses because of the difficulty of providing satisfactory artificial feeding combined with the difficulties of providing a sufficient number of wet-nurses in an institution. As a result, in several countries, institutions are often used only as receiving homes from which the children are placed with wet-nurses. Sometimes the children

¹ This section was prepared by Miss Alice Scott NUTT, of the Children's Bureau, United States, Department of Labor, Washington, D.C.

are returned to the institution at the end of the nursing period; at other times, they remain in the foster-homes until they are able to support them selves.

In the United States of America, such use of foster-home placing by institutions has generally been based upon the emotional and social factors involved. Although the problems of infection and feeding are realised, it has generally been possible to meet these satisfactorily within the institution. It cannot be said, however, that the use of foster-homes by institutions as a supplementary service is a general practice in the United States of America. When institutions have started to use foster-homes, this has generally led to the expansion of the programme to such an extent that the result is an agency carrying on a joint programme of institutional and foster-home care, the two aspects being complementary to each other rather than one being supplementary to the other. This has been particularly true of the development in Jewish institutions and agencies. A considerable number of foster-family societies began as institutions, but through the development of foster-home activities have gone over completely into the field of home placing, with the institution serving merely as a receiving home.

The oldest voluntary institution in the United Kingdom for the care of young children employs foster-home care for infants in its charge. The Foundling Hospital, founded in London in 1739 and now established at Redhill, Surrey, cares for illegitimate children whom it admits up to 1 year of age only. About 600 children are given care. Infants are boarded with foster-mothers in rural areas until they complete their third year, after which they are cared for in the institution.

France, with her traditional concern for the welfare of dependent children, was one of the first countries in Europe to substitute wet-nursing or artificial feeding in private homes for institutional care. As early as 1761, regulations were issued for the placing of dependent children in foster-homes; institutions were to be used only as receiving homes. At present, the public assistance authorities of France also send young children from public institutions to wet-nurses. These children are regularly visited by inspectors, as required by law. To facilitate inspection,

efforts have been made in recent years to concentrate the children in groups of foster-homes near large towns.

In other European countries, institutions also place children in foster-homes for various periods of time.

In Latin America, there has been an increasing tendency in recent years to supplement institutional care with foster-home placing.

In Argentina, the Sociedad de Beneficencia de la Capital—a maternal and child welfare agency in Buenos Aires, supervised by the Government—admits to one of its institutions deserted infants and children of destitute mothers. After a medical examination, the children for whom breast-feeding is considered necessary and who are in good health are placed with wet-nurses; children who do not need breast-feeding are also placed with foster-mothers. Children who are ill remain in hospital.

Supervision of children placed by this society in foster-homes is exercised by four physicians and five non-medical inspectors, who visit the foster-homes regularly, weigh and examine the children, watch the quality of care given them, and order all necessary measures. Upon reaching the age of 2 or 2½ years the children are removed from the foster-homes and placed in institutions maintained by the society.

The placing of infants for breast-feeding supplementary to the institution is also practised in Uruguay. In the capital, Montevideo, the Asilo Damaso Larrañaga—an institution for orphans and dependent and deserted children established over twenty years ago under the National Department of Public Assistance (Asistencia Publica Nacional)—cares for infants and older children. A child entering the institution remains under observation a month or longer. If not syphilitic, the child is placed with a wet-nurse, under medical supervision. The child remains in a foster-home until it is from 3 to 5 years of age, when it is returned to the institution. Thereafter, some children remain in the institution and others are placed in free or paid foster-homes. In some instances, children return to their former foster-mothers at their request.

The foster-parents, most of whom are in moderate circumstances and live in rural communities, must present a certificate of age, marital condition, and residence, and a character testimonial

signed by two responsible persons when making application for a foster-child. After these documents are received, the institution sends one of its women inspectors to the residence of the prospective foster-parents to obtain information regarding the condition of the home, size of the family, and degree of the foster-parents' education. Enquiry is also made as to whether the family has had foster-children in the past and whether any of them had died. The prospective foster-mother is also given a physical examination. The child-placing division of the institution then studies this information and makes a decision as to the suitability of the proposed foster-home. The children placed in this home are supervised by inspectors from the institution. The child may be removed from the family if he is not receiving proper care.

The health care of the children is directed by physicians in specially designated clinics, to which the foster-mothers must take those in their charge every two weeks. The results of the examination are noted on a health card which is kept for each child. The foster-parents must send the children to school as required by law.

At the end of the school attendance period, which is at the age of 13 years, the children in the paid foster-homes return to the institution. The boys are placed in the school of arts and crafts and the girls in the domestic science school, both of which are maintained in the institution. Others are again placed in free foster-homes asking for such children, if families are found upon investigation to be suitable and in comfortable circumstances.

Girls between the ages of 8 and 14 years are not placed in free foster-homes, on account of the danger of exploitation and abuse. All children remain under the institution's supervision from the time they enter it until the age of 21.

In other Latin-American countries—for example, Chile—infants remain in the institution during the first two years of their life; after that they are placed in foster-homes until they reach the age of school attendance, when they return to the institution. The Casa Nacional del Niño, in Santiago—an institution for orphans, deserted and dependent children, according to the report of its director for 1927-1933—cared for all children under two years of age in the institution. This was done because the families

willing to take foster-children were not regarded as qualified to give proper care to babies, and also because the institution was unable to maintain a staff sufficient for supervision of a large number of infants scattered over a wide area. At the age of 2 years, the children are boarded in foster-homes in rural districts and on farms near the city. The children are kept in these homes until the age of 7 years, when they are required by law to enter school. They are then returned to the institution and enrolled in the institutional school. It is reported that some foster-mothers become so attached to the children that they keep them free of charge after the children reach school age.

In 1928, the Board of Public Welfare (Junta de Beneficencia) of Santiago asked the institution, which at that time had under care over 1,000 children in foster-homes in rural localities, for suggestions for bettering the care of children in foster-homes. In reply, the need of preventive health work, education of the foster-parents in child care, and social service at least on a limited scale were pointed out. In compliance with these suggestions, two physicians and two nurses were appointed by the Board of Public Welfare to supervise the children in foster-homes. They were supplied with a weighing scale, a medicine chest and special blank forms for reporting their daily work.

In order to facilitate supervision of the children, it was decided to place them in homes not more than an hour's distance from Santiago. The children previously placed at a longer distance were transferred to homes nearer the city, excepting those whose foster-parents wished to adopt them. These new homes were all investigated in advance with regard to their hygienic condition, the qualifications of the foster-parents, and the health of the members of the family. An individual record indicating all visits to the home and information concerning the child's development is maintained. Each physician and each nurse is required to report his or her daily work in accordance with a prescribed form.

In Cuba, the Casa de Beneficencia y Maternidad de la Habana—a public institution established in 1852—receives foundlings and deserted children. The children may also be placed in free foster-homes following an investigation of the home. At the time of placing, a contract is made between the director,

representing the institution, and the foster-parents, in which the institution reserves the right to remove the child from the foster-home if, in the course of the inspector's visits, it is found that the child is not receiving proper care. The children remaining in the institution attend school there until the age of 13, after which some are placed in free foster-homes; others, in vocational training schools within the institution, or in outside schools. The girls are taught dressmaking, embroidering and other needlework, and typewriting; some are sent to the teachers' training school. The boys are taught tailoring, shoemaking, carpentry, mechanics, printing and other trades. Boys or girls showing unusual ability are sent to higher educational institutions in Cuba or abroad.

CHAPTER V
CONSIDERATIONS RELATING
TO THE ORGANISATION OF SERVICES
FOR THE PLACING OF CHILDREN IN FAMILIES ¹

1. *Administrative Procedures.*

Types of Administration In the placing-out of children, the geographical and economic conditions of a country, the occupations of the people, their standards of living, social attitudes and habits of life all profoundly affect the problem. Consequently, the conditions and circumstances in which children may be placed out may vary as widely as the life of one country differs from that of another. But, in any country, such placing will be done in one of two ways.

Individual or agency placement The placing of children in families may be done either by private individuals—usually parents or persons in a similar position—or by recognised social agencies. Obviously, the organisation required for placing and for safeguarding the child is different in these two situations. Placing by private persons or by social agencies may be merely for temporary care, usually with the payment of board, or it may be for permanent adoption, involving the transfer of parental rights and duties. Again the arrangement is quite different for each.

(a) *The Placing of Children by a Social Agency.*

When placing is made by a social agency, certain organisation is necessary for this purpose. It may be that a child welfare institution supplements its institutional service by placing out

¹ This chapter was prepared by Mr. Robert E. Mills, M.A., Director of the Children's Aid Society of Toronto, Canada.

some of its children in family homes after a period of training. It may be that the agency operates entirely through family foster-homes. Again, the care of children may not be the primary function of the agency, as in the case of the juvenile court, and in such cases placing in a family is merely incidental to the treatment of behaviour through probation or in some other manner. The social agency may be privately operated or it may be entirely public, or it may be privately operated under public inspection, or it may exhibit any of the possible combinations, whether in terms of financing or of control. Whatever the type of agency engaged in placing children in foster-family home care, there must be conscious organisation for carrying out the details of placing in an efficient manner.

Definite organisation necessary For some considerable time it has been clearly realised by social workers that the processes of child-placing do not work themselves out automatically. The selection of the home, the preparation of the child, the adaptation of the one to the other, and the continuous checking up of attitudes and relationships and guiding and helping over the rough places that appear—all the multitudinous tasks involved in home finding, placing and supervision are far from easy. It is recognised that to do these things well requires the employment of people who have the necessary time at their disposal, who are personally capable, and who are specifically prepared and equipped for this specialised and exacting task. In communities, where for financial or other reasons it is impossible to employ only highly trained workers for foster-home placing and supervision work, untrained workers, whether paid or voluntary, should be instructed in the essentials of such service, and should be under the direction and control of a highly skilled worker, who should be employed by the agency responsible.

Standards for placing agencies In communities where the placing of children in foster-families is developed to any considerable degree, fairly definite standards of organisation, personnel, equipment and performance have emerged, which are recognised locally among all types of social workers. Many are difficult to express in general terms, but others can be reduced to comparatively simple generalisations. Such standards, of course, vary considerably.

An example of accepted standards As an illustration of the wide acceptance of such standards, some of the membership requirements of the Child Welfare League of America are worthy of notice.¹ This organisation has among its members 133 of the leading children's organisations providing foster-family care on the North-American continent, with offices in about 250 cities. Of these, fifteen are public agencies.

Headings Some idea of the scope of these requirements can be obtained from a partial list of the topics covered. Standards of organisation and administration are set up in detail under the following headings: "Governing Board", "Staff", "Offices", "Case Records", "Administrative and Financial Records". Standards of Service to Children appear under "Case Loads", "Intake Case Work", "Investigation", "Reception Policies", "Legal Control of Children", "Financial Arrangements", "Home-finding Service", "Reception Care", "Number of Children in the Same Family", "Placement of Brothers and Sisters", "Adaptation of the Home to the Child", "Correlation between Preliminary Study of Child and Supervision", "Frequency of Supervision Visits", "Adjustment of Child and Foster-family", "Re-placement Policy", "Health Supervision and Corrective Work", "Intellectual, Emotional and Social Development", "Education—Academic, Cultural and Religious", "Recreation", "Family Relationships and Family Rehabilitation", "Discharge and After-Care".

A typical paragraph A single example should suffice to illustrate the type of content of these Child Welfare League of America standards.² The section headed "Case Load" is chosen as one of the most interesting and significant.

"Case loads vary with the territory covered, transportation facilities, qualifications of the worker, types of children cared for, kind of foster-care provided, and similar factors.

¹ With reference to its standards, the Child Welfare League of America writes: "They are based . . . on the experience of members of the League, and many of them represent, it is believed, the average of practice of organisations recognised as maintaining good standards of service. . . ." They will be used by the League as a measure of aims and methods in passing on all questions of eligibility for membership.

² These standards are available upon application to the Child Welfare League of America, 130 East 22nd Street, New York City.

They should never be heavier than can be carried without impairing the service given or the health and efficiency of the workers. Each day brings many enquiries. Many such should not be considered as applications. The full responsibility of the agency begins the moment it receives the application. Ordinarily, the number of investigations of applications for care made per month by a person devoting full time to such work should not exceed 15, and the number of children in foster-homes supervised by one visitor giving full time to supervision should not exceed 65 and should ordinarily be not more than 40 to 50. Smaller case loads than 50 are desirable, and are essential when full time is not devoted to the services specified, when unusual distances or territory with poor transportation facilities are covered, or when children with especially difficult problems are supervised."

Community enforcement of standards Not only is there recognition among the social work profession of the need for standards in child-placing when done by a social agency, but also the public themselves demand certain standards of organisations placing children in family homes. In many countries, such placing by social agencies is effected under the inspection and supervision of a Government department whose duty is to see that proper standards are maintained. In some communities, some of the formal details are set out in legislation or regulations, but in general the standards¹ are fixed by the detailed judgment of a committee or a Government officer. In some States, the placing of children in family foster-homes, even by Governmental or semi-public agencies, is subject to certain minimum standards established by regulations²—e.g.,

¹ In addition to the details specified by legislation and regulation, a further medium of control found in use in various States is the formal contract between the foster-parents and the placing agency. This is generally entered into by the foster-parents, and may specify certain details as to the care to be given the child, the possible length of placement and the remuneration to be received. Yet other agencies report that since sound child-placing involves the prior assurance of the integrity and reliability of the foster-family, such agreements are not necessary, close personal supervision being found more efficacious.

² Standards which were commended by the correspondent Sub-Committee and copies of which were made available to the Advisory Committee on Social Questions were: *Standards of Foster-care of Children in Maryland*

- “ At least one room for every three persons ”;
- “ Each child shall have his own bed ”;
- “ Two children must never be boarded out in the same family unless they are brother and sister ”;
- “ Foster-parents must not be over 60 years of age; ”
- “ Foster-parents must not take lodgers.”

In general, however, it would seem that, the whole process of placing being as subtle and delicate as it is, it cannot possibly be made safe by regulating such details of performance. Rather should the standard of organisation and personnel be maintained by such regulation, and the responsibility for intelligent detailed judgments be placed upon the professional knowledge and good sense of the personnel.

(b) *The Placing of Children by Persons Independent of a Social Agency.*

The placing of children by parents themselves presents an entirely different picture. Obviously, no organisation or training can be postulated for the individuals themselves. The theory has been accepted in the past that the mere fact that the person placing the child was its parent was sufficient guarantee that the child's interests would be consulted. If, indeed, any guarantee were needed in the disposal of a chattel, the natural affection of a parent for its offspring was considered ample. A social agency placing a child, of course, required to be hedged about by safeguards for the child, but a parent was supposed to be above such necessity.

Parental affection
not sufficient
protection

However, it has been abundantly established that in any community where the placing of children by social agencies has been established on a reasonable standard, by far the worst choices of placing are those made by the children's own parents.

This is exactly what might be expected. Parents, as a group, are not in a position to know very much about what should be

(Maryland State Welfare Department, Baltimore, Maryland); *An Outline of Practices and Aims for Children's Institutions* (New York Department of State Welfare, Albany, New York); and *Handbook and Standards for Child Welfare Agencies in Wisconsin*, published April 1937 by the Juvenile Department, State Board of Control, Madison, Wisconsin, U.S.A.

insisted upon in looking for a foster-home. They have no idea how to set about finding a suitable home, nor have they the established connections that facilitate such a search. When a home presents itself as a prospect, they know practically nothing of the technique of gauging its value for the work in hand. Normally, parental interest should count for something, but often the pressure of circumstances is such that about the only consideration that means anything to the parent is that he or she should be relieved of responsibility for the child. Most of such placings are made by unmarried mothers, panic-stricken by a social stigma and by their inability to support their child. Relatives, physicians, nurses, friends and public opinion all combine with economic disability to urge her to give up her child. It is not surprising that she grasps eagerly at the first home that offers to relieve her of her apparently intolerable burden.

The social agency contemplating the placing of a child is subjected to no such pressures. It is, or should be, equipped with all the facilities for making a sound selection and, if its standards are reasonably high, it should be credited with a very real and effective interest in the welfare of the children and in doing a good piece of work. Nevertheless, the community is convinced that the placing of a child by such an agency must be elaborately safeguarded, although it is only too frequently acquiescent when no special safeguards are thrown around the child placed by his own parent.

Agency methods and standards should apply Many social workers are convinced that this is illogical. They believe that the same processes to ensure sound placing in a family foster-home as are used when a social agency has the child should be employed when the parent is in command. The child's need is probably greater. As parents are not equipped to function in this way, some social agency must perform this service for them.

This notion, in one form or another, is gradually permeating the communities that are more fully conscious of their duties in respect of the placing of children.

Consent required for placing A number of States now have legislation forbidding the placing of any child for care in a home not his own without the consent of a State

officer designated for the purpose. The intention is that the public officer should make an investigation similar to that which would be made by a placing agency and should consent or not on the same basis as that taken by an agency in deciding whether to place or not.

In practice, however, certain practical difficulties emerge. Public opinion has not yet been educated to the point of tolerating the application of the same high standards to limiting its individual actions as it is accustomed to approve for the action of an agency. To attempt to enforce two different standards is embarrassing and tends to level down the higher to meet the lower, which is undesirable. Moreover, the problem presented when consent to placing is refused is also frequently embarrassing.

Safeguards for placing for adoption When the placing of a child by his parent in a family foster-home is for adoption, the public is much more ready to recognise the necessity for the imposition of safeguards. Being a transfer of legal rights, adoption has always involved a court process which, though originally designed only to provide the formality and the recording of the transaction, has definitely prepared the mind of the public for more social forms of protection for the child and has provided a ready-made vehicle for their expression. Of course, it is generally understood that other types of direct placing may be for short periods and therefore of comparatively trifling significance in the child's welfare, whereas adoption means a permanent placing which is necessarily of tremendous importance to the child.

In accordance with the modern emphasis upon the need of the child for protection, many communities have come to realise that adoption is a social as well as a legal process and have incorporated therein certain provisions to assure the welfare of the child concerned. The most important and most common provision is similar to that already noted in a few communities with reference to other forms of direct placing—namely, that the consent of the proper Government officer is required. The next most important social provision for the protection of the child is that of a period of probationary residence together of the parties before adoption, in order that there may be an opportunity to test the soundness of the step.

In some communities, it has been demonstrated that the accepted standards of child-placing can be applied in the main even to direct adoption by such a system of public control and supervision operated by capable social workers and supported by a reasonably informed Government and public opinion. The arrangements include a preliminary investigation and close supervision during the period of probation (either one or two years), which not only enables an intelligent decision to be made, but also provides an invaluable opportunity for skilled placing workers to assist in the adjustments that will make the adoption a lasting success.

Licensing family foster-homes With reference to the placing of children in families by their parents for boarding care, many communities have assumed partial responsibility for maintaining standards in the interests of the child. Though they do not require a public officer's consent to the placing of a child in a home other than his own, they do require such consent to the reception of an infant for boarding care by such a home. No control is exercised over the selection of children that may be placed, but there is more or less rigorous control of the selection and operation of homes that may board children for payment. Such control is usually limited to health consideration, being intended to guarantee reasonable physical safety to the inmate. Accordingly, the medical officer of the community is usually charged with its administration.

Weaknesses of licensing as system of child care This system of licensed homes is a considerable advance upon the lack of any provision at all for supervised family foster-home care. Through it, many of the scandalous abuses of the notorious "baby farms" have been eliminated. It is subject to grave criticism, however.

Clearly, the question most important to the welfare of the child is whether or not in all the circumstances he should be placed out at all, and the licensed home system offers him no protection in this direction, the decision being left entirely to the parent or guardian.

The needs of a child in such a home are the same as if he were in a boarding home in which he was placed by a responsible organisation. The licensed home, however, is certainly not in a position to give him the protection and services that such an organisation should provide.

The placing or child caring organisation should be of great assistance to the parent in helping to solve the case-work problem connected with the admission and in undertaking financial responsibility for the child's care. The "commercial" boarding house, on the other hand, is likely to be entirely unfitted for such case-work, and inclined to it—if at all—largely out of curiosity or in an effort to ensure payment by petty blackmail.

The actual care of the child tends to be much less satisfactory in such homes than where an organisation is responsible. Licensed supervision takes cognisance only of the general character of the home, and that largely on the sanitary side, whereas the supervision by an agency concerns itself with the adjustment of the particular child.

The "independent" or "commercial" boarding home is continually in trouble with reference to payments. The parent, usually an unmarried mother, must herself pay the whole cost of care. After a short time, she finds it very difficult, becomes discouraged, and in many cases ceases entirely to pay. The child is finally deserted upon the hands of the boarding home keeper, who finds herself in an unenviable situation. Such experiences tend to drive the better type of foster-parent out of this business, so that those that remain tend to be least desirable. Those that can qualify for acceptance by a responsible agency much prefer to do so, because then their sole concern is with the actual care of the child, the agency looking after everything else, including the all-important matter of payment. It has repeatedly been demonstrated that the only really effective method of combating the evils of "baby-farming" or commercialised foster-homes is for the community to develop really adequate services, operated by responsible social agencies, public or voluntary, and under efficient public supervision. If such services become known and are meeting the real needs of the clients, the individual commercial boarding homes cannot compete against them.

2. *Relationship of Child-placing to the Administration of other Social Services.*

Family foster-home care of children is intimately related to several important Governmental services in much the same manner as its alternative—institutional care.

(a) *Relationship to the Administration of Services relating to the Giving of Relief.*

Public relief of dependency involves "indoor" as well as "outdoor" relief. There are many dependent children that cannot be maintained in their own homes and must look to the public taxes for support. Some of these are cared for in institutions, but a large and increasing number are placed in family foster-homes.

In some communities, the family home placing service is supplied by private organisations, the authorities purchasing the service in some more or less definite way for their public charges. In other communities, municipal and State, a public department itself is responsible for the placing of children in families.

The manner in which the maintenance in a boarding home of a purely dependent child becomes a public charge also varies. In some places, because it is viewed as a form of relief, the decision is considered to be an administrative one and is left to a welfare officer or board. In other communities, the acceptance of the child as a public charge is effected through a court, whether juvenile or other, the court becoming for this purpose the admitting department of the public service. This latter arrangement is the subject of criticism in some quarters, on the grounds that a judicial body is being used for a purely administrative function, that such a body cannot be expected to be specially equipped for such function, that it may interfere with the judicial character of the court, and that it places the stigma of a court experience unnecessarily upon people to whom no blame is attached.

(b) *Relationship to the Administration of Measures designed to Protect Children.*

The relationship of the foster-family care of children to child protection is even closer. Because in the technical sense "pro-

tection " implies culpability or inadequacy on the part of the child's family, a substitute family is usually the obvious need when he has to be removed from his own home. Here again family foster-home care may be obtained by the State through a private or semi-official organisation such as the Children's Aid Societies of Canada or the Child Welfare Councils of the Scandinavian countries, or it may be supplied by a Government agency.

A decision as to whether a child requires to be taken into care as a " neglected child " in need of " protection " is fundamentally different from a decision where dependency only is involved. Here the process is essentially one of depriving parents of their natural rights in respect of their children and creating a new guardianship. The action has no connection with relief, the provision of public maintenance being merely incidental to the implementing of the public guardianship assumed. Because the matter is one of determining legal rights, a court of law would seem to be the logical authority to make the decision, and this principle is almost universally followed. The Scandinavian practice appears to be an exception in that it is the Child Welfare Councils that take this judicial decision. The question naturally arises whether this mixture of administrative and judicial functions can be to the advantage of either. It would certainly seem to place an undue strain upon judicial impartiality for the plaintiff organisation to try its own cases.

(c) *Relationship to the Administration of Services relating to the Care of Juvenile Delinquents.*

The relationship of foster-family care to juvenile delinquency is similar to that described. In so far as delinquency results from inadequate home and guardianship, the need is likely to be for a more satisfactory family home. Such foster-family care may be obtained if the juvenile court commits the delinquent child to a child-placing organisation; or the court may proceed through its own officers to place the child in a family foster-home. In order to facilitate such direct placing by the court, the laws of some States make juvenile delinquents wards of the juvenile court.

The assumption by a judicial body of purely administrative

functions may be justified by necessity in the case of probation, but in the matter of child placing and guardianship it is open to question. The juvenile court, which is organised and skilled in judication, and possibly in probation, can hardly be expected to be equipped for, and skilled in, the technique of child placing, and still less for the exercise of the long-term responsibility, planning, supervision and control that characterise effective guardianship.

The placing of children is related to juvenile delinquency, also through the practice of many institutions for youthful offenders in placing some of their charges in family foster-homes after a period of training in the institution. Such placing provides a stage between the institutional regime and the full freedom and independence of ordinary life.

(d) *Relationship to the Administration of Services for Illegitimate Children.*

The relationship of family foster-home care to the measures for the special protection of the illegitimate child is not so easily described. The chief feature of such special legislation is usually the provision of a practicable process whereby support for the child can be obtained from the father. The fundamental purpose behind this provision is that the child should not be deprived of its mother because of the lack of a breadwinner.

This desire to enable the unfortunate child to keep his mother, if she be a suitable person to have the responsibility, is the keynote of most social work in such cases. In order to combat the forces pressing upon an unmarried mother to give up her child entirely, it is usually necessary for some social agency to assist her until she has a fair opportunity to make up her mind and to work out some feasible solution of her problems. This assistance involves, among other things, arrangements for the care of the baby, if possible with the mother. Although the care of mother and baby together is usually given in institutions, there are outstanding examples of organisations that board out such mothers with their babies in family foster-homes with marked success. In many cases, however, for various reasons, the mother cannot actually live with her child, although she is enabled to retain her parental rights and keep in close contact by visits. There, the boarding foster-family home is invaluable. A consider-

able proportion of cases where support is obtained under the special illegitimacy legislation are of this latter type, so that the relationship of the placing of children in boarding homes to such measures is important.

In a residue of cases, it is not found feasible for the mother to retain her responsibility for the child. The child must then either become the ward of the State or of some agency acting for it, or he must be adopted. In either of these eventualities, the foster-family home is the usual means for providing for his care and upbringing.

(e) *Relationship to the Administration of Services relating to Vocational Training.*

The relationship of child placing to various other administrative provisions of the community can be summed up in the observation that the needs of the placed-out child are the same as those of other children, intensified, perhaps, by their various handicaps already discussed. The obvious duty of the placing agency is that of a capable parent, to do everything possible to meet those needs. This means, among other things, that the various resources of the community for education, recreation, etc. should be available for and made use of by the placing organisation for its children.

The matter of vocational guidance and training is one that illustrates this point. Foster-children, even more than others, are in need of definite preparation for the job of earning their living. The agency must meet this need in some way or other. The child cared for in an institution is likely to have something done for him in this respect by the organisation itself, the industrial or trade schools and even the training schools for defectives making a feature of such service. The child cared for in a foster-home, on the other hand, must look to some community resource for vocational training, and the organisation is under obligation to use every effort to obtain it for him. It is interesting to note that in Finland the new Child Welfare Law provides that the State may subsidise the communes to the extent of one-half, or more in special cases, of the amounts spent on vocational training of children or young persons taken over by the public welfare boards.

3. *Examples of Different Systems.*

In concluding this statement of the place of foster-family care in relation to various types of legal and administrative provision, a brief outline of some typical arrangements may be interesting and may make clearer the interlocking character of the various relationships discussed.

(a) *The North-American Type.*

What, perhaps, might be described as typical of the arrangement in certain cities of the United States of America is roughly as follows :

Three types of children are disposed of by the juvenile court—namely :

- Purely dependent children, who are a public responsibility;
- Neglected children (children with inadequate guardianship);
- Delinquent children.

Delinquent children are brought to the court by the police,¹ but dependent and neglected children can be brought to the court by a large number of private social agencies of various types and standards, the Society for the Prevention of Cruelty to Children being among the number. If the child must be received into care, the court commits him to the care of some organisation. Special institutions are designated for delinquents, but dependent or neglected children may be committed to any child care organisation that expresses willingness to receive them. The court orders maintenance to be paid by the municipality at a fixed rate. The guardianship of the child becomes vested in the court. When the particular organisation to which the child has been sent has done its work and he seems to require something different, he is returned to the court, and the latter hands him over to some other organisation which seems to it to offer more nearly what is needed. Of course, the organisations in question may use foster-family home care. The court may even itself place children, and the investigation and supervision of adoptions is sometimes included

¹ To be exact, they are brought to the detention home by the police, who lay the charge in court.

in its functions. In such an arrangement, the court combines exacting and specialised administrative responsibilities with its judicial one.

A frequent variation of this arrangement is that dependent and neglected children may be committed as wards to the State guardian, who provides for them either in foster-family homes or in institutions.

(b) *The Scandinavian Type.*

The Scandinavian type of organisation is quite different. The Child Welfare Council (in Sweden consisting of a member of the communal poor relief board, the local clergyman, a teacher, the public health officer, and at least two other persons) is both the administrative and the judicial authority. Neglected children and delinquent children are taken into care by the Child Welfare Council without the consent of their parents, and certain other types with the parents' consent. The Council places and supervises such children in institutions or in family foster-homes. It also supervises children placed by their parents in boarding foster-homes and illegitimate children in their own homes. The Council appears to be plaintiff, judge and custodian in one. A safeguard to parental rights exists, it is felt, in the right of appeal of the parent from the decision of the Council to a court.

(c) *The Canadian Type.*

The Canadian type of arrangement has some of the characteristics of both of those already outlined. In each county or city, there is a private organisation called a children's aid society which is under provincial Government supervision and upon the board of which the municipal authorities are usually represented. This organisation is the official body dealing with child protection. By it, neglected children are brought to the juvenile court, and to it alone such children can be committed as wards by the court. When such commitments are made, the court orders that the cost of maintenance shall be paid by the municipality. The society specialises in guardianship. In its child protection work, it seeks to maintain certain standards of adequacy of guardianship on the part of the child's own parents, and, failing this, it brings the case to court for the termination of the existing

guardianship (temporarily or permanently) and the establishment of a new one. When such is created, it is the society that becomes guardian. In its capacity of guardian of a large number of children in need of protection, it is in a particularly favourable position to know what standards of guardianship are feasible. As adoption is a legal transfer of guardianship, the local society is naturally responsible for the social and administrative aspects thereof. The work with the illegitimate child in need of protection likewise falls to children's aid societies.¹ Under this system, the judicial and administrative functions are carefully separated, and a combination of public and private elements is effected.

Delinquent children whose need appears to be an adequate home and guardianship can also be committed by the court to the Children's Aid Society.

¹ In some centres, there are specialised agencies caring for babies and unmarried mothers, but the Children's Aid Society is charged with the local enforcement of the Unmarried Parents' Act, which establishes paternity and obtains maintenance from the father. The Society becomes guardian when "neglect" makes a substitute guardianship necessary. Of course, the Children's Aid Society makes use of many kinds of agency to supplement its own resources in providing just the type of care that its wards require.

CHAPTER VI

SOME GENERAL CONCLUSIONS TO BE DERIVED FROM THE STUDY ON PLACING OF CHILDREN IN FAMILIES

1. PRINCIPLES AND OBJECTIVES

1. Since the child is the medium through which civilised life is carried on from one generation to the next, his well-being becomes a primary concern of organised society.

2. Society everywhere recognises the home and family as the natural primary agency for the care, guidance and control of the child during his years of immaturity and dependence.

3. It is, however, incumbent upon the community to provide such security and protection for the family as will enable it to discharge its responsibilities adequately, and further, to encourage and, if need be, compel it to do so.

4. Therefore, when circumstances threaten the ability of the family to provide satisfactory conditions for the upbringing of the child, the first question to be explored should be the means by which the parents can be assisted in this task of the proper rearing of their children.

The attainment of this objective should be sought, in co-operation with the parents and, if possible, without encroaching upon parental rights or guardianship.

If and when this parental guardianship, in spite of all such efforts, still proves inadequate, and must be relinquished, the community must assure satisfactory care and guardianship by other means.

5. As a general rule, the community should seek to provide for any child for whom satisfactory conditions cannot be assured in

his own family, a family life and background approximating as closely as possible to what his own home should have been.

6. Since, however, in certain circumstances, the child's particular needs may call for care of a specialised kind, the community must have at its disposal more formal facilities of the institutional type, as well as facilities for ensuring care in the home.

7. In discharging its obligations towards the child, the community must have as its objective his training and development as a future citizen, rather than his adaptation to any specific type of care.

8. If a child has to be given care away from his own home, all his essential needs must be met as they would be by a good and capable parent. The provision of adequate food, clothing and shelter is not sufficient. The task is rather one of developing a feeling, thinking and acting person, equipped for the responsibilities of family life and citizenship. Physical fitness, healthy habits, adaptability to life and people, appreciation of the moral and spiritual values of life, sound judgment, initiative and thrift are typical of the purposes upon which foster-care should concentrate.

2. STANDARDS IN ADMINISTRATION AND SERVICE

In communities where the placing of children in families has become well established, fairly well-defined standards exist in the matter of organisation, equipment and performance. Such a situation offers its own evidence as to the value of public opinion in building up a body of sound legislation and practice in the protection of child life. The education of the general public as to what constitutes good practice in the care and placing of children must therefore be regarded as part of the obligation and service of any child-placing agency. For even while organisations and communities less favourably situated may not be able to provide all the services for which provision is made by others which are more highly developed and prosperous, certain general standards may be regarded as applicable to all forms of child welfare. The application of such standards, varying with the resources of the community or organisation concerned, depends,

ultimately, upon the education of the public for their acceptance. These standards may be stated, in general terms, as follows :

1. The competent public authorities, acting in virtue of carefully framed and properly administered laws and regulations, are responsible for ensuring that all children placed in foster-homes, whether by individuals or by social agencies, shall have reasonable facilities for promoting their physical and mental health and social, spiritual and moral development.

2. Child-placing and supervisory services, whether under public or private auspices, should be developed and administered in close relationship with other services for family assistance, public health and child welfare.

3. The decision to place a child in a foster-home should be made only after careful consideration of other forms of welfare that may be available; more particularly the possibilities of assistance in the child's own home. The choice of a particular type of care for any child should not depend on a mere consideration of the minimum cost of ensuring his physical well-being, but rather upon the broader basis of his needs as a growing individual and future citizen. Unless there are definite indications of the child's special need for the type of care characteristic of institutional life, normal life in a foster-family may be deemed preferable, as constituting a natural substitute for his own home or family life.

4. Agencies responsible for supervision over children placed in foster-families should be equipped for the study of children and their needs, the selection of foster-homes, the preparation of children before placing, the securing of facilities for their physical and mental health, their moral and spiritual development, and their growth and development as members of society.

5. Persons employed in child-placing and supervision, whether full-time or part-time, paid or voluntary workers, should have an understanding of children and their problems, a knowledge of the resources available for promoting their physical, mental, moral, spiritual and social development, specific training in their exacting tasks, and sufficient time at their disposal to enable them to serve the children to the very best of their ability.

Where, because of particular circumstances, the personnel of other services may be utilised in the supervision or even the placing

of children in foster-care, it should not be assumed that their special training in their own field, *ipso facto*, equips them for the discharge of these other responsibilities of a different nature. In all such cases, the advisability of special instruction for all such workers in the essentials of sound child-placing procedures should be stressed and such special training given prior to their employment for these duties.

6. The type of foster-care selected should be determined by the needs of the child and the extent to which the ties with his own family and kindred can be preserved. For many children, boarding-out is the only form of foster-care that can meet their needs adequately. Such a home does not require complete severance of family ties, and permits of close and constant co-operation between the foster-parents and the child-placing and supervising agency.

7. The selection from among many acceptable foster-homes of the one best suited to meet the individual needs of the particular child is the point at which the science and art of child-placing reach their highest level. The promotion of wholesome and happy relationships between the foster-parents and the child demands the utmost skill and understanding on the part of workers in this field.

8. Certain minimum needs are common to all children—proper and sufficient food for health and growth; adequate shelter; comfortable clothing and medical supervision and care; education and vocational training commensurate with the child's abilities; religious instruction or such training in moral and spiritual development as may accord with the practice of his family and community. The child must feel a sense of satisfactory relationship as a member of the community. To these prerequisites for all children, others must be added in the case of foster-children, by reason of their separation from the natural environment of their own families; and the provision of these desiderata becomes an obligation which is shared by the foster-family, the organisation responsible for placing and supervision and the community.

9. The community is responsible for providing such facilities for the assistance of foster-parents as will enable them to meet the problems incidental to the foster-child's adjustment to life in the home, school and neighbourhood.

10. The organisation accepting the child for care, placing and supervision is responsible (*i*) for seeing that the foster-parents know and make use of the general facilities available to the community in the matter of child welfare and health, and (*ii*) for supplementing these facilities as may be necessary.

11. One of the main purposes of all child welfare activities being to produce healthy, mature, self-reliant men and women, the child welfare agency should always bear this in mind when extending its activities.

(a) *Health*.—As a means of ensuring health and vigour, provision should be made for all children in foster-homes to be placed under continuous supervision from the point of view of health and medical care, including such corrective treatment as may be necessary. Infants and young children should be under the continuous supervision of qualified physicians and nurses.

(b) *Education*.—Children in foster-homes should be accorded the same scholastic and vocational opportunities as the child in an average comparable community. These should include full-time school attendance throughout the term and within the school-attendance age in the community in which he lives, with provision for special study of individual gifts and vocational guidance. The responsible agency should also aim at ensuring suitable secondary and higher education for children whose gifts appear to justify such opportunities, and, for pre-school children, the advantage of attendance at kindergarten, nursery schools, etc., when these can be made accessible and are likely to benefit the child. The need for the child's moral and spiritual development must be borne in mind throughout his training and education.

(c) *Recreation*.—Recognising the importance of recreation and community life in the development of self-reliance and a sense of security, and in providing opportunities for achievement, so essential to satisfactory life, the placing and supervisory organisation and the foster-parents should aim at ensuring time and facilities for indoor and outdoor play and other recreational activities suited to the child's particular needs.

(d) *Specialised Service for Problem Cases*.—In addition to these facilities for health, education and recreation, the agency caring for children in foster-families should utilise specialised health, educational, psychological or psychiatric resources, as need arises, for children who fail to respond sufficiently to presumably satisfactory conditions in the home, school or neighbourhood. In this way, educational, social, personality and behaviour difficulties may be anticipated and averted before reaching an aggravated stage.

(e) *After-care and Ultimate Establishment*.—As a guarantee, in so far as possible, of this ultimate establishment of the boy or girl as a self-reliant

member of the community, the child-caring agency should assure, either through its own resources or in co-operation with other agencies, adequate supervision, not only during the term of foster-care, but, if necessary, continuing until the adolescent boy or girl is reasonably established on a self-supporting basis.

12. It must never be forgotten that the child's natural and normal environment is his own family. His home should be preserved when this can be done without detriment to the child or the community. The natural bond of affection between the child and his parents may prove a vital force in the reconstruction of the home and family. Except when the complete and permanent separation of the child from his family is advisable, every effort should be made to preserve and strengthen this bond. The child-placing organisation should make use of all appropriate resources of the community which might assist in the necessary adjustment, making the child's return to his parental home both possible and safe.

SOURCES

CHAPTER III.

Section A.

Encyclopædia of the Social Sciences, Volume I.

HANNA, Agnes K. "Dependent Children under Care of Children's Agencies : a Review of the Census Findings". *Social Service Review*, Volume X, No. 2, June 1936.

League of Nations document C.P.E.514. "Placing of Children in Families". Report of Madame Vajkai.

League of Nations document C.P.E.515. "Placing of Children in Families". Summary of the Governments' replies.

League of Nations document C.P.E.516. "Placing of Children in Families". Report by the Save the Children International Union.

League of Nations document C.260.M.155.1938.IV. "Placing of Children in Families", Volume II. Various systems of placing of children in families.

SLINGERLAND, W. H. *Child-placing in Families*. Published by Russell Sage Foundation, 1919.

Social Service Year-Book, 1929. Article by C. C. Carstens.

Social Work at the League of Nations. Publication of the Canadian Welfare Council, 1936.

THURSTON, Henry W. *The Dependent Child*. Columbia University Press, 1930.

Extensive use was made of the information available in the Children's Bureau, United States Department of Labor, Washington, D.C.

Section B.

Annual Reports, the Canadian Department of Immigration and Colonisation.

BRACE, Charles Loring. *The Dangerous Classes of New York*, Wynkoop & Hallenbeck, New York, 1872.

FOLKES, Homer. *The Care of Destitute, Neglected and Delinquent Children* (New York, The Macmillan Company, 1908).

New York Children's Aid Society, Annual Report, 1870, quoted by Henry W. Thurston in *The Dependent Child*, Columbia University Press, New York, 1930.

Several Years After, an analysis of the histories of juvenile immigrants brought to Canada in 1910 and 1920 (Canadian Council on Child Welfare, 1928).

Some Angles of Discussion in the Juvenile Immigration Problem of Canada (Canadian Council on Child Welfare, 1924).

THURSTON, Henry W. *The Dependent Child*. Columbia University Press, 1930.

CHAPTER IV.

Point 1.

League of Nations document C.P.E.516. "Placing of Children in Families". Report by the Save the Children International Union.

Foster-Home Care for Dependent Children, United States Children's Bureau Publication No. 136, Revised, Washington, D.C., 1929.

Point 2.

ANDRÉ, Louis : *L'Assistance publique de l'Enfance, Commentaire d'ensemble de la Loi du 27 juin 1904* (Paris), 136 pages.

Bulletin législatif Dalloz, 1912 and 1935.

Compilation of the Laws of Minnesota relating to Children, 1935.

Finlands Författningssamling, Nos. 52 and 208, 1936.

League of Nations document C.265.M.153.1932.IV. "Official Guardianship of Illegitimate Children".

League of Nations document C.P.E.521. Child Welfare Councils. "Organisation and Functioning of the Child Welfare Councils in Norway" by Erling Broch.

"Œuvre nationale de l'Enfance", *Revue mensuelle*, Volume 6, 1924/25, page 950.

Reichsgesetzblatt, Berlin, 1922, Part I.

Socialt Tidsskrift (Copenhagen, 1933), Volume 9, No. 4.

Svenska Fattigvårds-och Barnavårdsförbundet, Stockholm, 1935.

Text till Lag om Samhällets Barnavård och Ungkommskydd (Svenska Fattigvårds-och Barnavårdsförbundet, Stockholm, 1935).

WILD, A. *Handbuch der sozialen Arbeit in der Schweiz*, Volume 1, Zurich, 1933.

Point 4.

League of Nations document C.P.E.515. "Placing of Children in Families". Summary of the Governments' replies.

"Report on Discussion on Public and Private Services for Child Welfare held under the auspices of the Children's Bureau of the United States Department of Labor", Washington, D.C., April 9th and 10th, 1937.

Point 5.

ARENAZA, Dr. Carlos DE : *Menores Abandonados y Delincuentes*, 1934, Volume 3.

BERRO, Dr. Roberto : *El Asilo Damaso Larrañaga, Su Funcionamiento en el Ejercicio 1927/1928* (Montevideo), 1928.

Boletín del Instituto Internacional Americano de Protección a la Infancia (Montevideo, October 1929).

Boletín del Instituto Internacional Americano de Protección a la Infancia (Montevideo, June 1928).

Bulletin of the Pan-American Union, November 1931.

"Casa Nacional del Niño", by Dr. Luis Calvo MACKENNA, *Revista Chilena de Pediatría* (October 1934).

League of Nations document C.P.E.514. "Placing of Children in Families". Report of Madame Vajkai.

League of Nations document C.P.E.515. "Placing of Children in Families". Summary of the Governments' replies.

League of Nations document C.P.E.516. "Placing of Children in Families". Report by the Save the Children International Union.

League of Nations document C.260.M.155.1938.IV. "Placing of Children in Families," Volume II. Various systems of placing of children in families.

Musée Social (Paris, 1933).

"On the Institutional Care and Boarding-out of Children in England". Report submitted by Edward Fuller, of the Save the Children Fund, London (Save the Children International Union, General Council, Geneva, April 1936).

Ordenanzas de la Casa de Beneficencia y Maternidad de la Habana (Cuba, Colección Legislativa, 1916), Volume 54.

PUYOL, Dr. A. F. : *La Protección a la Infancia en el Uruguay* (Montevideo), 1916.

República Oriental del Uruguay, La Asistencia Pública Nacional (Montevideo, 1913).

Sociedad de Beneficencia de la Capital, 1823-1936 (Buenos Aires).

Extensive use was made of the information available in the Children's Bureau, United States Department of Labor, Washington, D.C.

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VOLUME II

Various Systems of Placing of Children
in Families

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THE PLACING OF CHILDREN IN FAMILIES

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PREFACE

The study of the placing of children in families originally constituted the fourth stage of the enquiry carried out by the former Child Welfare Committee into the treatment of neglected and delinquent minors. The aim was to amplify the material on the subject of the placing of children in institutions. Accordingly, in 1934, a questionnaire was drawn up and submitted to the States Members of the League of Nations and non-member States. The Committee also expressed the desire that the Secretariat should be authorised to supplement, by enquiry on the spot if necessary, any information it might receive in reply to the questionnaire.

In 1936, the former Child Welfare Committee discussed the question on the basis of three documents: a summary prepared by the Secretariat of the Governments' replies to the questionnaire; a document submitted by the Save the Children International Union, containing an account by specialists and experienced persons of the practices followed in certain countries which, with two exceptions, were not represented on the Committee; and the report containing the conclusions of the Rapporteur, Mme. Vajkai, assessor representing the Save the Children International Union, which was based on a study of the material available. A detailed examination showed that the question could not be confined to the single and somewhat limited aspect of the placing of neglected and delinquent children which had at first been under consideration. The Committee therefore decided that the whole subject should be treated independently, and that any material which had a bearing upon earlier studies should be extracted and dealt with in relation to this question.

At the next stage in this study, it was decided that the work should be continued by more detailed re-examination of the

material in hand, and especially of the regulations and the information available relating to methods of administration and practice.

It was agreed that, if necessary, the assistance of voluntary experts in various countries might be enlisted to obtain more detailed information on the practices followed in their respective countries.

To carry out this work, a small Correspondent Sub-Committee was appointed to work with the Rapporteur, and the delegates of the United States of America (Miss Katharine Lenroot) and of Canada (Miss Charlotte Whitton) were requested to serve on this Sub-Committee. At the 1937 session of the new Advisory Committee on Social Questions, the correspondent Sub-Committee submitted the first chapters of the proposed report and specimens of the description of countries in which preliminary work was completed. Mme. Vajkai having resigned, Miss Charlotte Whitton, the delegate of Canada, was appointed Rapporteur. The general plan of the report was modified at this session, and the Correspondent Sub-Committee was requested to communicate the complete documentary material to the Advisory Committee for discussion in 1938.

Mention should be made of the collaboration of the Toronto Children's Aid Society, Canada, which offered the services of its Director, Mr. Robert E. Mills, and of the Children's Bureau, United States Department of Labor, which placed its important documentary material at the Sub-Committee's disposal and appointed Miss Elsa Castendyck and Mrs. Anna Kalet Smith to prepare summaries dealing with the practices followed in different countries. The Save the Children International Union also furnished much original data and special information on specific problems in different countries, without which certain parts of the report could not have been completed.

The report on the study of the placing of children in families made by the Advisory Committee on Social Questions of the League of Nations has been published in two volumes. Volume I consists of five chapters in which the fundamental concepts, the historical development, the characteristic features of the different systems and the principles and procedures in the organisation of these services are covered. Volume II consists of summaries describing the systems in individual countries. The text of each

report was either provided by the appropriate body of the country to which it relates or was compiled from documentation and reports and submitted to the Government for approval and amplification.

The following introductory remarks are a summary of material found in Chapter II of Volume I. This chapter is largely based upon data found in document C.P.E.515, supplemented by the addition of material gleaned from the reports of the individual countries and from the literature of the field. It is offered merely as a means of orientation to, rather than as a background for, the consideration of systems described in this volume. The reader is referred to Chapter II of Volume I, or to the source material as noted there, for more detailed information.

GLOSSARY OF TERMS USED

Social work, unlike medicine, law, education, engineering, etc., has practically no words peculiarly its own, but has made use of those employed in ordinary conversation for its nomenclature. In adapting commonly used words to the technical purposes of social work nomenclature, we must give them special, definite and restricted technical meanings. Failure to recognise this has been the source of most of the loose thinking associated with social welfare work.

While no attempt is made to give complete definitions, the following comments should help to circumscribe the meaning of some of the current terms used here in a technical sense.

CHILD CARE

Care.—Provision for the sum-total of immediate daily needs of a child, such as food, shelter, clothing, management, etc., as distinguished from the provision only of specific goods or services, such as material relief or supervision in the child's own home, or group work in a settlement or clinic service. A child can be considered to be in the "care" of an institution or child-placing agency, but not in the "care" of a family agency, a settlement, a playground or a clinic. A child may be in the care of an organisation, although not in its guardianship. In distinguishing between "care" and mere "supervision" by a child-placing agency, a useful rule is that the child is not in the "care" of the agency if it has not authority to remove him at will and place him elsewhere. Thus a "non-ward" child returned to his own parents may still be under the agency's "supervision", but not in its "care".

Guardianship.—Involves responsibility, control, guidance, planning for the future, parental rights. It involves responsibility for "care", but the direct "care" may be given by an

agency while the "guardianship" still belongs to the parents or even to another agency.

Foster-care.—Used to mean *all* types of care substituted for care in the child's own family or that of immediate relations. It includes as its main divisions institutional care as well as family foster-home care.

FAMILY FOSTER-HOME

Foster-home.—A private family home giving foster-care to children. The classification of foster-homes as "boarding" or "free" is intended chiefly for the purposes of the placing agency, and therefore relates to *the point of view of the agency*. A home that is "free" to the agency may be a "boarding" home from the point of view of both the child and the foster-home, but the agency's view must prevail in giving definite meanings to words for purposes of social work, because it is the agency that is going to use them. This is most important in an agency's statistical statements of population, work and cost.

BOARDING FOSTER-HOME

Boarding-home.—A foster-home where an allowance is paid *by the placing agency*.

FREE FOSTER-HOME

Free Home.—Where no allowance is paid *by the placing agency* (free to the agency). It includes free home, adoption home, work home, wage home; also a home where the child pays for his own board.

EDUCATION

Used in the sense of formal education or schooling.

CHILD TRAINING

Used in the more general sense, which includes formal education.

Various Systems of Placing of Children in Families

CHAPTER I

INTRODUCTION¹

HISTORICAL DEVELOPMENT

An examination of the development and practice of boarding-out systems in various European countries shows that the value of family homes in caring for orphaned and destitute children was early recognised. Bohemia employed this method as early as the fifteenth century, while in Finland and the territory that is now Belgium, the practice was in vogue in the seventeenth and eighteenth centuries respectively.² Denmark, France, Scotland and Sweden have followed this system for more than a hundred years. Its adoption has necessarily been more recent in the western hemisphere, although here, too, there has been long experience of it. In Chile, the boarding of dependent children dates from 1858, and precedes North-American countries by more than a decade.

In the United States of America, the care of dependent children in institutions was followed by the placing of children in free homes, usually in villages or rural areas. The Children's Aid Society, of Boston, Massachusetts, as early as 1867 adopted the plan of paying a moderate sum to the families caring for dependent children placed with them. The Board of Charities of the same State (Massachusetts) had in the previous year (1866) established a visiting agency. The use of paid homes became a generally

¹ This chapter was prepared by Miss Elsa CASTENDYCK, of the Children's Bureau, United States Department of Labor, Washington, D.C.

² See document C.F.E.515, page 7.

accepted principle, and, for many years, has been practised in varying degrees in States other than Massachusetts.

The Children's Protection Act of the Province of Ontario, Canada, for more than forty years has recognised the value of private home care for children, which is now extensively practised throughout the Dominion.¹

Ancient though the practice thus appears to be, it probably existed much earlier in some of the Eastern civilisations. Slingerland, in his book, *Child-placing in Families*,² describes the practice of the Hebrew people of Biblical times in placing orphaned children in the homes of childless couples. The early Christian Church used homes of relatives and church associates, and when these resources were inadequate to meet the demands, orphaned and dependent children were placed in homes of worthy widows. This service was paid for by collections taken in the congregations. This was probably the real genesis of a boarding-out system which was revived in the later centuries. It does not appear to have been a makeshift, since the recognition of values of home life and family training rather than economic considerations were, in part at least, the motive force at the inception of the system and during the period it was practised. Although the Christian Church adopted the system of group care in the third or fourth centuries, and thus laid the foundations for institutional care in modern times, Jewish child welfare work continued on its original basis, using the early method of child-placing in families. Jewish orphanages, however, were established in England and Germany in the nineteenth century.³

In the ancient Jewish civilisation, children were cared for in homes of relatives and others, under definite laws and regulations. In modern times, Finland was among the countries which early provided a legal basis for boarding-care, including such provisions in the Law of 1852 on Public Relief. Since then, at least twenty-five other countries have enacted legislation making some governmental body responsible for the administration of the law.

¹ See *Social Work at the League of Nations*. Publication of the Canadian Welfare Council, 1936.

² See W. H. SLINGERLAND: *Child-placing in Families*, published by Russell Sage Foundation, 1919, pages 27, 28, 29.

³ *Ibid.*, pages 29-31.

In the United States of America, the Federal laws do not contain any provisions relating to boarding-out in families. In 1986, there were thirty-two States in which statutory provision had been made for the licensing and supervision of family homes for children.

AUSPICES, LEGAL AUTHORITIES AND REGULATIONS

Tradition, the size of the country, the development of a policy of local control in the various provinces, communes or States—these are the factors that largely determine the extent to which responsibility and regulation are placed with local authorities or vested in some appropriate Government agency. If we accept the premise that the best chances for success in a boarding-home programme depend largely on knowledge of the child and his individual needs and problems and on complete knowledge of the home in which he lives, the desirable system would seem to be that in which the smaller political subdivisions assume responsibility for determining whether the child should be placed in a family, the home being selected and careful attention being given to it after the child has been placed there. Such systems exist in many countries. Thus, in Denmark, in each commune (with the exception of Copenhagen) the placing of children is carried out by a Social Welfare Committee through a Child Welfare Council. In Sweden, every commune has its Child Welfare Council, and the National Department of Social Welfare, through a bureau which deals with various questions relating to child welfare, and through the national inspector for poor relief and child welfare, issues further regulations, establishes standards and selects qualified personnel. Thus we see the centralised authority vested in the State, but the direct care in the hands of the local commune. The point of particular interest is not the Ministry in which the authority is vested but recognition of the need of centralised authority and the existence of a system which shall give a degree of uniform service and protection to children.

CHARACTER OF PERSONNEL EMPLOYED

Since the child's whole life will be influenced by the experiences of childhood, the selection of proper persons to provide care and training during the formative years is a task fraught

with grave responsibility, and with much danger if not properly exercised. In the United States of America and in Canada, increasing emphasis is being placed on the need for such persons to be well informed in the fundamentals of social service. A knowledge of the dynamics of human relationships, community resources and essentials of good physical and mental health will be of great value in the selection of a proper home and the evaluation of the service it is rendering the child. Although its desirability is recognised, the practice of employing such trained personnel can hardly be said to be widespread outside the United States of America and Canada.¹ The establishment of training-courses for inspectors and laws and regulations relating to their appointment are among the devices employed in several States as a means of ensuring desirable personnel and maintaining standards, although some countries make no specific requirements as to education or training of staff employed in foster-home care. From the information obtainable on this point, it seems fair to state that, on the whole, trained personnel is found where well-developed systems of boarding-care exist.

PRESENT EXTENT OF VARIOUS TYPES OF CHILD-PLACING IN RELATION TO OTHER FORMS OF CHILD CARE

So many factors enter into any consideration of the extent of child-placing that a mere recital of the number of children cared for in boarding-homes means little unless data regarding the reason for the child's removal from his home, the prevalence or absence of other types of child care, such as placing in an institution, mothers' aid or mothers' pensions, and the ages and classes of children included in the boarding-home system are known. Some countries provide for the care of young children only in boarding-homes; others regard this system as a means of providing the child with vocational training; and still others include the delinquent child and children in moral danger.² A few provide such care for children suffering from mental and physical infirmities. A true measure of the system would be to compare it with other types of child-placing—*i.e.*, institutional, legal adoption and the

¹ See document C.P.E.515, page 19.

² *Ibid.*, pages 8 and 9.

so-called free home. Failing the possibility of an exact comparison of this sort, a more generalised statement can be made on the basis of the data collected. Of the forty-two countries replying to questionnaires, all but five reported some system of boarding-care.

No data are available for all of these countries as to the number of children placed in boarding-homes or the extent to which this care is given in preference to care in institutions. Limited information from a few countries shows wide variation both as to numbers of children so cared for in relation to population and to those placed in institutions.

In European countries and in portions of the United States of America and Canada, the use of the institution is frequently combined with a boarding-home programme. From the reports and literature available, it would appear that the European countries generally regard the boarding-home system as satisfactory for young normal children who are not regarded as delinquent or possessing serious behaviour difficulties, and use the institution for children who require special consideration because of health, educational or behaviour problems. While practices in the United States of America and Canada differ in various localities, it is apparent that the general practice makes available boarding-home care to the latter group of children in many cities and rural areas.

Both institutions and boarding-homes frequently serve as a means of preparing the child for adoption; although it is apparent that the number of children cared for in this manner is small in comparison with those in boarding and free homes and in institutions.

APPARENT SUCCESS AND PROBABLE LINES OF FUTURE DEVELOPMENT

It is impossible to hazard a statement as to the apparent success and probable lines of development of boarding-home care throughout the world. Although twenty-five countries stated that, on the whole, the system had been satisfactory, such a statement is too general to be accepted as representing the opinion of all or even a considerable proportion of those engaged

in the work. Statistics of its extent, and critical judgment based on observation and study of achievements, especially in relation to other types of child care, will be needed before an estimate can be made. Future developments of the programme depend upon the study of what has already been accomplished and on the leadership of thoughtful persons interested in the future citizenry.

CHAPTER II
DESCRIPTIVE SUMMARIES OF SERVICES
IN DIFFERENT STATES.

SECTION A.—EUROPE

BALTIC STATES

Estonia ¹

The placing of children in foster-homes in Estonia is regulated by the law on public assistance and by orders issued by the Ministry of Public Education and Social Welfare. It is used in the cases of children lacking means of subsistence and of those whose moral training has been neglected by their parents to such an extent that they are in danger of becoming wayward or delinquent. Only healthy children are placed in foster-homes. The decision as to placing is taken by the organs of rural self-government in the villages and by the administrative councils of the various child welfare institutions in towns. Children are placed only with families which are considered responsible and have a good reputation. Relatives or persons wishing to adopt the children are preferred. More children are placed in towns than in the country.

A child may be placed in a foster-family soon after birth and may remain there until the age of 16 years. By a special decision of the authorities concerned, the child may remain in the foster-family until he is 20 years of age. The duration of the foster-care is determined by the institution or agency which placed the child in the family.

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

A contract is made with the family wishing to take the child (a form of the contract is attached hereto). The State or the organs of rural self-government pay for the care of the child.

The foster-family is required to send the child to school in accordance with the law on compulsory school attendance, and to see that he is given some vocational training.

For each child in a foster-home, there must be appointed an inspector, whose duty it is to watch the care given the child, particularly that relating to his training and his health. Supervision is also exercised by agents of the Ministry of Social Welfare and of the institution through which the child was placed.

Negligence or abuse on the part of the foster-family is punishable by law; and, in such a case, the child is removed immediately from the home.

FORM OF CONTRACT WITH FOSTER-FAMILY

On this date . . . a contract is made between . . . (name of institution) and the citizen . . . , residing at . . . , as follows :

1. . . . undertakes to take into his home beginning with this date . . . , the child (name), born at . . . on . . . , the condition of whose health is

2. . . . , as the child's foster-parent, undertakes to care for his physical and mental training in accordance with the rules and regulations issued by . . . (name of the institution).

3. The foster-parent is required to give the child the necessary and proper food and quarters, in accordance with the rules of hygiene, and to place the child in conditions equally favourable to those of the other children of his family.

4. The child's father and mother and other relatives have no right to interfere in his care. In the case of the parents' death or the child's removal from his parents' authority, all parental rights except those of inheritance are transferred to the foster-parent as long as the child remains under his care.

5. In the case of a child of school age, the foster-parent must see that all the requirements of the law on primary school attendance are strictly observed.

6. The inspector has a right to visit the child at any time, in order to obtain information about him and to supervise the care received by him in the foster-home. Supervision may also be exercised by agents of the Ministry of Social Welfare and the institution which has placed the child in the foster-home.

7. If the child dies or leaves the foster-home, the foster-parent is required within three days to inform the institution which placed the child. He is

also required to report to the previously mentioned institution any change of address within three days if he lives in a town and within seven days if in the country.

8. In case of illness, the foster-parent must see that the patient receives the necessary medical care at the proper time. The expenses of this care are paid by the institution for a child of school age; by the foster-family for an older child.

9. If a physician finds that the child needs hospital care, the foster-parent is required to send him immediately to a hospital and to inform the institution which placed the child in the foster-home. The foster-parent must pay for the hospital treatment.

10. The institution must pay . . . Kr. per month to the foster-parent. Clothing, underwear and shoes are to be supplied to the child by the institution as follows : . . . Books and other school material are supplied to the child by . . . (institution or family).

11. At the end of the period of foster-care, . . . (institution or family) is to supply the child with the following articles : 1 suit of working-clothes and 1 suit of best clothes, 2 pairs of shoes, 3 outfits of underwear and bed-clothes, 1 blanket, 3 towels, 1 head covering, 1 overcoat, 1 pair of gloves, 3 pairs of stockings, 1 trunk, 6 handkerchiefs, and such other articles as may have been given to him during the period of foster-care.

12. The clothing, underwear and shoes given to the child by the foster-parent must be clean and in good condition; the foster-parent is also required to keep clean the articles given to the child by the institution which placed him in the foster-home.

13. The foster-parent may, after a month's notice in advance, return the child to the institution which placed him. In such a case, he must return all the equipment with which the child was supplied.

14. The child may be removed from the foster-home by decision of the institution, particularly if the members of the family lead an immoral life, neglect the child's care and feeding or send him out to beg alms, or if the child is ill-treated to such an extent that his physical or moral health is endangered.

The child may also be removed if the foster-parent violates the provisions of this contract or if he prevents the persons charged with supervision of the child from exercising their legitimate functions.

15. If the foster-parent does not wish to return the child as mentioned in Section 13 above and if the institution which placed the child in the foster-home does not remove the child from the family in accordance with Section 14 of this contract, the child will remain in the foster-home until the age of 16 years. The period of foster-care may be extended by the institution which placed the child.

16. The contract is made in two copies, one of which is given to the foster-parent and the other to the institution which placed the child in the foster-home.

The institution (*Signature*).

The foster-parent (*Signature*).

Latvia ¹

The Law of 1928 on Social Welfare permits the placing of children in foster-homes by State social welfare agencies, municipalities and a specified private child welfare society.

The following groups of children may be placed in foster-homes : (1) children of unknown parents, (2) destitute orphans, (3) children without means of support who are not cared for by anyone, and (4) children exploited by their families for criminal or immoral purposes, children cruelly treated by their parents, or children whose parents have, in any other way, abused their authority.

The minimum age for the placing of children in foster-families, as specified in the law on social welfare, is 1½ years. The children of unknown parents remain in foster-homes until the age of 17 years; other children, until the age of 16 years.

The children are placed in families which are in at least fairly good economic circumstances, live in sanitary houses, and whose members are in good health. About 64.5 % of the children are placed in the families of farmers; 15.5 %, of clerical workers; 9 %, of manual workers; and 11 %, of small tradesmen.

The foster-family undertakes to treat the child as if he were its own. It is required to send him to the elementary school and to provide him with as much vocational training as possible. A contract is signed between the family and the organisation placing the child. This organisation has the right to take away the child if the foster-family fails to fulfil its duties.

When placing children in families, the State and the municipal authorities provide adequate remuneration for the foster-family, whereas the private organisations only deal with cases in which the foster-family undertakes to look after and educate the child free of charge.

The children in foster-homes are under the care of supervisors selected by the Ministry of Social Welfare from among respectable and trustworthy persons who have expressed a desire

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

to serve in such capacity. They receive no remuneration. The supervisors' duties were prescribed in regulations issued in 1930.

They are required to visit the children under their supervision at least four times a year, and inform the Social Welfare Department after every visit of the results of their inspection.

If the mayor of a municipality or the director of a private child welfare organisation, or an official of the Ministry of Social Welfare, finds that a foster-family fails to take proper care of the child, the family is asked to correct the irregularities; otherwise, the child is removed.

Cases in which children have had to be removed from foster-families are, moreover, rare, as offers are sufficiently numerous to make it possible to select families which can provide the child with a good education. Thus since 1929—that is, since the system of placing children in families was applied in Latvia—the number of cases in which children have had to be removed from foster-families only amounts to 11.7% of the total number of children so placed. The reasons for removal were :

	Percentage
1. Decline in the standard of living of the foster-family.....	2.5
2. Bad state of health or retarded mental development of the children	2.2
3. Inadequate care of the children.....	1.4
4. Lack of cleanliness in the foster-family	3.5
5. Restitution to parents	1.7
6. Deaths of children	0.4

Since 1929, the placing of children has been distributed as follows :

	In rural districts	In cities
	Percentage	
By the Ministry of Social Welfare	70	30
By municipalities	76	24
By private organisations	56	44

It has been reported that placing in foster-homes has brought satisfactory results as regards the children's physical and moral development. There are no statistics in Latvia comparing the results of placing in foster-homes and those of placing in institutions.

Lithuania ¹

1. PLACING IN FOSTER-HOMES OF CHILDREN DISCHARGED FROM INSTITUTIONS OF THE MINISTRY OF JUSTICE

The placing in foster-homes of wayward and delinquent children discharged from institutions of the Ministry of Justice began in 1927. The decision as to placing is made by the administrative council of the institution which has been authorised for this purpose by the Ministry of Justice. The council is presided over by the director of the institution.

Children are placed in foster-homes when the conditions in their own homes are so unsatisfactory that it is inadvisable to return them there. Placing is resorted to only if the children have shown willingness to correct their behaviour and if, in the opinion of the council, they are not likely to repeat their offences.

The children are usually placed with farmers who are comfortably situated and of good reputation. Children of school age attend school in the institution by which they were placed, although the majority of the children are placed in foster-homes after they finish the compulsory school course. The foster-children also receive vocational instruction in the institution. They may remain in the foster-homes until they reach the age of 21 years. The institution decides as to the length of their stay.

The institution supervises the care given the children in foster-homes. An agent visits them at least once in three months, and physical examinations are given them every three months. The foster-parent is responsible under the common law for negligence or failure to fulfil his duties.

2. PLACING OF CHILDREN IN FOSTER-HOMES BY AGENCIES OF THE MINISTRY OF THE INTERIOR

At present, Lithuania has no legislation on the placing of dependent children in foster-homes. Regulations on this subject are found, however, in a child welfare Bill which was recently

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

approved by the Council of Ministers but apparently not yet enacted into law. Since 1927, child welfare societies have been referring children for placing to relief agencies.

Physically and mentally normal children who are discharged from orphanages or whose families are for various reasons unable to care for them are placed in foster-homes, usually with farmers. Most of the children come from the poor working-classes of towns.

The foster-parent signs a contract (a form of which is here attached) by which he undertakes responsibility for the care and rearing of the child. He must allow him to attend primary school and, later, a trade school, so that the child can eventually become self-supporting.

The relief agency placing the child pays for his care. The cost of illness, however, must be met by the foster-parent.

The children are placed in foster-homes from the age of 3 years and are kept in the homes usually until the age of 17 years. Sometimes they remain longer with the foster-parents and continue to work for them.

Supervision of children in foster-homes is exercised by the same agencies that place the children. In the case of neglect or abuse, the agencies may suspend the payment to the foster-parents and take away the child, or they may decrease the amount of the payment as a fine.

It is said that this method of foster-home placing has given generally good results in Lithuania; but the work is still in an experimental stage and it is too early to draw definite conclusions.

3. FORM OF CONTRACT¹

On this date , the director of the institution (name), of the one part, and (name and address), of the other part, have concluded the following contract :

1. The child (child's name), leaving the institution, is placed in the home of (name), from until (dates), on payment of , for which he is to receive board and room and working-clothes, the latter to become his property.

2. The foster-father (employer) undertakes the following : (a) to care for the child or young person in accordance with the instructions from the institution; (b) to report on his conduct; (c) to permit him to follow his religion;

¹ This form of contract applies both to placing in a foster-home and to placing in apprenticeship.

(*d*) to notify the institution within twenty-four hours if he should become seriously ill; (*e*) to provide quarters for him in the house; (*f*) to bring him to the institution on the last day of this contract; (*g*) if he should abscond, to report to the police within two hours, so that the police may inform the institution; (*h*) to deliver to the police within twenty-four hours or take directly to the institution a child or young person who commits an offence.

3. The institution has the right to visit and supervise the child, to order at any time his return to the institution, or to discharge him completely.

4. In case the child causes harm to the foster-father, the latter has the right to make a deduction from the money paid by him to the young person, but only if he receives permission to do so from the director of the institution.

He may give the foster-child only 25% of his wages during the entire period of his work, the remaining 75% to be paid to him at the end of the contract.

SCANDINAVIAN COUNTRIES

Denmark¹

I. HISTORY OF LEGISLATION ON CHILD-PLACING

The placing of children in foster-families has been practised in Denmark for over a hundred years, but supervision of such placing was apparently not established until the Law of 1888, which was replaced by another law in 1895. Both laws provided for the supervision only of children under 14 placed for pay in foster-families, but a law passed in 1905 authorised communal councils to extend supervision to children placed in free foster-homes. By the Laws of 1888 and 1895, the prospective foster-parents were required to obtain permission from the communal council to accept children for board, which permission could be withdrawn at any time. In every commune, supervision was to be exercised by one or more persons—men or women—having the necessary qualifications, appointed by the communal council. In communes with more than 30,000 inhabitants, supervision could be exercised, if the communal authorities so desired, by the public-health commission through its paid inspectors; in smaller cities and towns and rural districts, voluntary inspectors could

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

be used. Child welfare societies were also authorised under the law to watch over the placed-out children, and this was done in a few localities.

The agencies entrusted with the inspection of placed-out children were required to make annual reports to the communal authorities, who, in their turn, had to report to the prefects of the provinces.

The Law of 1895 was repealed by the Law of 1923 on the placing of children in foster-homes and the protection of illegitimate children.

The placing of children in foster-families was also provided for by the Law of 1905 on delinquent and neglected children. The supervision of such children placed in foster-families was entrusted to the child welfare councils established by that law throughout the country. The activities of these councils were further regulated by the Law of 1922.

Practically all child welfare legislation¹ was amended and consolidated in 1933, and was included in the much discussed social welfare law of that year, which is now in force.

This law has been to some extent amended by the new Law of 1937.

2. AUSPICES AND LEGAL AUTHORITY

Under the terms of the Law of 1933, as amended by the Law of 1937, arrangements for child welfare are carried out by a special child welfare council appointed by the Municipal Council (Regulations of November 27th, 1933). This child welfare council may co-opt persons on the ground that they are specially familiar with child welfare problems.

In Copenhagen, the municipal government has charge of the child welfare work. There is also in that city a special child welfare council, composed of three times as many members as there are child welfare districts in Copenhagen and six additional members. Any person qualified to vote in elections for the Parliament is eligible for membership on the child welfare council. The appointment is for four years. The chairman of the council

¹ Except that on child labour, adoption, apprenticeship and permits for persons acting as agents for placement of children in foster-families.

is the person in charge of the third division of the municipal government to which the child welfare council belongs. The executive committee of the child welfare council consists of persons familiar with child welfare problems. By the Law of 1933, Copenhagen was to be divided into not more than twenty child welfare districts; several months later, the city was divided into sixteen districts.

The work of all child welfare councils is under the general supervision of the National Council of Child Welfare, consisting of five members, one of whom, the chairman, is appointed by the King and must have the qualifications of a judge of the Court of Appeal, one by the Minister of Social Welfare and two by the Rigsdag (national legislature); the fifth member of the council is the Chief Inspector of Child Welfare.

The said National Council also has higher jurisdiction.

This council deals, *inter alia*, with all complaints regarding decisions relating to arrangements for child welfare and their discontinuance; such decisions may be submitted to the National Council by the parents or by the person who did, in fact, exercise paternal authority.

The Chief Inspector is assisted by a staff of inspectors. In addition to exercising general supervision over child welfare work, he is required to visit, "as often as is necessary, private homes in which foster-children are placed out".

The supreme national authority in child welfare matters is the Minister of Social Welfare. It is one of his functions to issue the regulations for the administration of child welfare laws.

3. PLACING OF NORMAL CHILDREN IN FOSTER-HOMES BY THEIR OWN PARENTS

(a) *Types of Homes and Methods of Selection.*

Children are usually placed in the homes of farmers, lower-paid Government employees and other lower-middle-class homes. The children are about equally divided between cities and rural districts. Permission to take a child is given after the foster-home is inspected and the foster-parents interviewed. The Law of 1933 specifies that preference should be given to married

couples living together who have not more than three children under 14 in their home. Not more than one child under 1 year of age may be placed in the same home; and not more than two children may be placed at the same time in the same family, unless they are brothers or sisters. Women living alone may be permitted to take girls and, in exceptional cases, boys. Children are placed with single men only in very special cases. As a rule, children are not placed with persons over 55 years of age. Every child must have his own bed.

Physicians' certificates are required for both the foster-parents and the foster-child, stating that neither the parents nor the child are afflicted with tuberculosis in a contagious stage or a venereal or other contagious disease.

A contract is signed between the individual or organisation placing the child and the foster-parents, in which the latter undertake to give the child proper care and to send him to school as required by law.

Private individuals wishing to place their own children or their wards in paid foster-homes often appeal to agents for help in selecting such homes. Permission to act as agent is required by a special law on that subject, passed in 1914, which is still in effect; such permission to be obtained from the Minister of Justice. There is also in Denmark a federation of foster-home societies (Danske Plejehjemsforeninger—in 1935, it consisted of thirty-six societies—which often acts as agent in placing children in foster-homes for private individuals and for the public authorities. The selection of the homes is made by the federation's agents.

(b) *Supervision of Normal Children placed out
by their Own Parents.*

Supervision of children under 14 years placed in foster-families for pay is prescribed in the Social Welfare Law of 1933 (Articles 110-117) and by regulations issued by the Minister of Social Welfare on November 27th, 1933. By a decision of the local child welfare authorities, the supervision may be extended to children placed in free foster-homes, when an investigation reveals that this is required in the interest of the child.

(i) *Requirements of Permit for taking a Child.*

A person intending to take a child for foster-care must obtain a permit in advance. Such a permit must be issued in writing for each child. The document must be returned to the authorities when the foster-relationship ceases for any reason. It is the duty of the person who places a child in a foster-home to ascertain whether the foster-parents have permission to take the child and immediately to notify the child welfare council as to the placing of the child. The same duty is imposed on the person who acts as agent for placing the child.

A person who receives permission to take a child for foster-care must report immediately to the council when the child is received, if he dies, or if the relationship ceases for other reasons; if one of the foster-parents dies or leaves the home, or if any other change of material importance takes place in the nature of the foster-relationship; also when a change of address takes place. If the foster-parents move to another commune, the child welfare council at the original place of residence must report to the council in the commune to which the foster-parents move, and the latter council must decide whether the permission can be renewed.

(ii) *Qualifications of Inspectors visiting the Children.*

Supervision of children in foster-families is exercised by inspectors (Tilsynsforende) appointed by the local child welfare councils. These inspectors may or may not be members of the council; they usually give only part-time service and receive no pay. Supervision is considered a civic duty, which may not be refused and for which no pay is expected. Resignation is permitted after four years of service. No training is required for volunteer inspectors, but courses, sometimes lasting for only a few days, are given in Copenhagen for members of the child welfare council and others interested in child welfare. If it is impossible to obtain a sufficient number of volunteers, paid inspectors may be employed with the approval of the Minister of Social Welfare. Such approval is often given in larger cities in which considerable numbers of children are under supervision. Paid inspectors

are required by the local social welfare or child welfare councils to have training in child welfare work, although this is not mentioned either in the law or in regulations for the administration of the law. There is, in Copenhagen, one school for the training of child welfare workers. In some cases, officially recognised child welfare societies are entrusted with the supervision; they employ paid and trained inspectors.

For boys under 7 and for girls, only women inspectors may be appointed.

(iii) *Functions and Duties of Inspectors.*

The inspector is to assist the foster-parents with advice and information and to see that they perform their duty toward the child in accordance with Article 113 of the Law. The inspector is expected to behave with tact and consideration and to convey to the foster-parents an understanding of his responsibility.

He must not partake of any food in the foster-home, or otherwise make his visit appear to be a social call. If the foster-parents object to visits from the inspector, the child welfare council may ask the police for help. When the inspector reports that the foster-parents are failing to take proper care of the child, even after warning, the council may order the foster-parents to correct the irregularities. If the order is not complied with, and the care of the child does not improve, the council may remove the child from the foster-home and take whatever measures it considers necessary.

According to the regulations for the administration of the law, the inspector's visits should be made frequently and without previous announcements. A child under 1 year old should be visited on the average every two weeks, a child between 1 and 2 years old every month, a child between 2 and 5 years every three months, and a child over 5 years at least twice annually.

A visit should not be so regular that the day of the visit can be guessed. Additional visits should be made in special circumstances—for example, sickness in the home, change of residence, important changes in the economic condition of the home, or if the inspector feels uncertain of his judgment of the conditions in the home. The inspector is to see that the child has his own bed, as required by Article 115 of the law. In the supervision of a

child less than 1 year old, the inspector must make herself acquainted with the instructions on infant care issued by the Department of Public Health and she should see that the person caring for the child is acquainted with them. The regulations for the administration of the law prescribe in detail the care that should be given to an infant.

The inspector is to keep a record of the children under his supervision, in accordance with instructions issued by the child welfare council or, in Copenhagen, by the municipality. The regulations issued by the Minister of Social Welfare on November 27th, 1933, prescribe that, in addition to the record, a card-index must be kept by the inspector with a card for every child. The date of visits with remarks should be noted on this card; and, if necessary, a daily register should be kept with details. Such a register is considered particularly helpful when an inspector deals with a large number of children. The cards should be in the inspector's possession, except when they are being examined by the child welfare council.

Each inspector is required to present a report (Article 113 of the law) once a year, and oftener when there is special reason for it. The regulations prescribe that these reports be sent within a specified period from all parts of the country. Special reports are to be sent when circumstances arise which may affect the child's condition—for example, serious illness of the foster-parents or the child, considerable decrease in the family's income, or change in the family's residence.

An inspector who fails to do his duty can be punished with a fine or arrest.

Child welfare councils may prescribe more detailed rules for both volunteer and paid inspectors.

(iv) *Additional Supervisory Measures by the Child Welfare Councils, Chief Inspector of Child Welfare and Minister of Social Welfare.*

The child welfare councils are required to report every year in January (Article 122) to the Chief Inspector of Child Welfare on the number of children supervised in the commune, the changes that took place during the year, the number of permits issued to foster-parents and other data.

When circumstances so warrant, the Chief Inspector of Child Welfare may order investigations of the manner in which supervision is carried out.

The Minister of Social Welfare may issue additional regulations on the supervision over placed-out children.

4. PLACING OF SPECIAL CATEGORIES OF CHILDREN BY THE CHILD WELFARE COUNCILS AND SUPERVISION OF SUCH CHILDREN

The child welfare councils may remove from the parental homes those children under 18 who present difficulties of character or behaviour, those who, because of neglect by their parents, are in danger of becoming wayward or delinquent, and those who are ill-treated by their parents to such an extent that their physical and mental development may be affected; also children who are truants from school or behave badly in school, if the imposition of fines on their parents brings no improvement (Articles 130 and 131).

These children may be placed in institutions or foster-homes. As a rule, the children whose character and behaviour are considered to be capable of improvement are placed in foster-homes.

Inspectors are appointed for visiting the children. The qualifications and, to a great extent, the duties (Articles 143 and 146 of the law; Regulations of November 7th, 1933) of these inspectors are similar to those of the inspectors of normal children placed in paid foster-homes by their own parents.

The inspector is required to report to the council on the condition of the child and the home at least twice a year, and more often if irregularities are found, or the care given the child is unsatisfactory. The council then decides what to do with the child. If it is necessary to move the child from the foster-home without delay, the council, or its chairman, may order provisional measures. The final decision is made by the council later.

After the child finishes his required school course, the council, in agreement with the inspector, may place him in suitable

apprenticeship or employment. A contract must be signed to that effect.

For larger communes, special regulations for supervision of placed-out children may be approved by the Minister of Social Welfare, in which case the children are exempt from supervision by the local child welfare council.

If a child is placed in a foster-home by a child welfare society recognised by the State, supervision is exercised by that society (Articles 144 and 145).

5. APPLICATION OF RULES ON SUPERVISION OVER FOSTER-CHILDREN TO ILLEGITIMATE CHILDREN AND CHILDREN IN FAMILIES RECEIVING PUBLIC ASSISTANCE

The Social Welfare Law of 1933, which regulates supervision over children placed in foster-families, also provides for similar supervision over illegitimate children, even when they live with their mothers.

Supervision is required until the age of 7 (Article 110), but may be extended until the age of 14. Exemption from supervision may be permitted if the child lives under good conditions. A birth out of wedlock must be reported to the child welfare council within three days, after which the child is placed under supervision. The council is required to keep a list of such cases. The inspectors visit the children and watch over their care and upbringing, in the same way as they do with reference to children placed in foster-homes.

Similar supervision is also provided by the law for children and young persons under 18 living with their parents, if the parents receive communal help or poor relief, for children of widows and widowers on whose behalf a pension out of public funds is paid to the mothers or fathers, and for full orphans receiving a pension out of public funds. The supervision includes regular visits by inspectors, as described in the section on foster-care. If placing in a foster-family is necessary, it is done in accordance with the rules previously described.

6. STATISTICS

Children under 18 removed from their Homes by the Local Child Welfare Councils and placed in Foster-homes or Institutions.¹

(The children are removed because they are wayward or delinquent or in danger of becoming such, also because they are neglected or abused, or in need of special care.)

	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935
Children placed in foster-homes	89	96	89	108	76	96	90	160		128
Children in various institutions, including hospitals and excluding employment, domestic service and apprenticeship	868	887	863	766	976	715	780	798		1,278

Children under 14 placed in Paid Foster-homes by their Own Parents and supervised by the Inspectors.

1927	1928	1929	1930	1931	1932	1933	1934	1935
15,501	17,677	17,414	17,420	17,145	17,073	14,398	14,312	13,784

Finland²

1. HISTORY OF CHILD-PLACING

Child-placing in foster-families was practised in Finland as early as the seventeenth century, but the first law providing for such placing was the Public Assistance Law of 1852. In 1922,

¹ The figures refer to the number of children placed out during the year and not to the total number of children in foster-homes or institutions at a certain time during a given year. A few cases reported as unknown have been included in the cases of institutional care.

² This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

this law was replaced by another law, which also provided for the placing of children in foster-homes.

The placing of children in foster-homes is now regulated by the Child Welfare Law of January 17th, 1936, which came into force on January 1st, 1937.

2. LEGAL AUTHORITY

Local supervision of placed-out children is entrusted to the communal public welfare councils, which are provided for by the Law of January 17th, 1937.

Welfare boards are to be established in all communes, except in those rural communes in which the authorities consider there is no need for a welfare board and exemption is granted by the Minister of Social Welfare. In these communes, these functions are discharged by the communal councils.

The public welfare board consists of a chairman, vice-chairman, at least four other members, among them at least one woman, and a sufficient number of assessors for each special division of the board.

The communal authorities may establish several divisions of the public welfare board, including a division of child welfare work. Each division has a chairman and vice-chairman appointed by the board from its own members, and at least two other members appointed by the board from among its assessors, at least one of whom must be a woman. At least one of the members of the child welfare division must be a school-teacher and another a health visitor.

According to the regulations issued on May 8th, 1936, for the administration of the Law of 1936, the general direction and supervision of the work of the public welfare boards is to be by the Ministry of Social Welfare and by special or regional inspection authorities subordinate to the Ministry.

3. LEGISLATION ON THE PLACING OF CHILDREN IN FOSTER-HOMES BY THEIR PARENTS OR GUARDIANS

The placing of children in foster-homes by their parents or guardians is governed by the Child Welfare Law of 1936, and by Regulations of May 8th, 1936.

The legislation applies to persons under 16. Such persons may be placed out only in foster-homes in which there is no contagious disease and in which the conditions are considered by the welfare board as sanitary and favourable for the child's physical and mental development.

The foster-parents are required to report within eight days that they have taken a child into their home. Such a report may be made orally or in writing and must contain the child's and his parents' full name, and the name of the persons placing the child, the place and date of the child's birth, the amount payable for the child's care, the date on which the child was placed, and the address of the foster-family.

Upon receipt of such a report, the welfare board must without delay order an inspection of the home, unless the board has had previous occasion to become thoroughly familiar with the conditions in the home. If the investigation reveals that the foster-parents and the home are suitable, a certificate is given by the welfare board to the foster-parents, stating that the fact of taking a child has been reported and that the foster-home has been approved.

Before a child is placed, a written agreement must be made between the person placing the child and the foster-parent, in which their duties and obligations and the amount of pay for maintaining the child are specified. The agreement states that the foster-child must be given the same care and treatment as the foster-parents' own child, that he must have proper clothing and a bed of his own and must be sent to school as required by the law on compulsory school attendance.

The board is required to keep a register of all foster-children. The board must see that the child receives good care and upbringing and that he is visited by the board's agent at least four times a year. The board may appoint one or more of its members, or other suitable persons, or some person or persons recommended by a child welfare society, to inspect the foster-homes and visit the children. It is the duty of the inspector to watch closely the conditions under which the child or young person is living, to supervise and to guide his upbringing, to help the foster-parents with advice and service in their care of the child and to see that they fulfil their duties toward the child. The foster-parents are

required to give the inspector all necessary information about the foster-child. Interference with the inspector's work is punished by law.

The inspector must present to the board quarterly reports prepared according to a form prescribed by the Ministry of Social Welfare, covering all his visits to the foster-home.

When the conditions in the foster-home or the care given the child are found to be unsatisfactory, the council must issue orders for the correction of the situation, and if the situation remains uncorrected, the board deprives the foster-parent of the right to accept the custody of children.

Change of residence must be reported by the foster-parent within eight days, and when a foster-child dies or the foster-parent gives up the child, he must notify the board within four days.

The decision of the welfare board to prohibit a person from taking a foster-child must be reported to the local chief of police.

The law is retroactive to the extent that all cases of children placed out before the law became effective had to be reported to the respective welfare boards within the first two months of 1937.

4. LEGISLATION ON THE PLACING OF CHILDREN TAKEN OVER BY THE PUBLIC WELFARE BOARDS

According to the Child Welfare Law of 1936, the local public welfare boards may take over and place in foster-homes or institutions children under 16 belonging to any of the following categories :

- (1) Children whose parents are dead or children who have been deserted by their parents;
- (2) Children who, as a result of physical or mental illness, abnormality or defect, require such special care as cannot be given by their parents;
- (3) Children whose parents, because of illness, ignorance or drunkenness, or for other reasons, cannot give them the necessary care;
- (4) Children ill-treated in their homes or those whose life, health or morals are endangered there;

(5) Children who fail to attend school as prescribed by the law on compulsory education and those who are engaged in occupations prohibited by the present law—such as itinerant singers, dancers, acrobats, or girls under 18 employed in cafés, restaurants and hotels—without permission from the public welfare board;

(6) Children under 16 and young persons between 16 and 18 committing punishable offences for which they have not been prosecuted or punished on account of their age or for other reasons; children begging, or engaging in other forms of vagrancy, or found in a state of intoxication, without the possibility of taking against such children or adolescents the measures provided in the law on drunkenness.

The board endeavours to conclude with the parents or guardians of the child a written agreement by which the child will be placed in the care of the board. If an agreement cannot be concluded, the welfare board will decide whether it is to take care of the child or adolescent. The board's decision, in accordance with which the child or adolescent has been entrusted to the board, must be submitted for approval to the Ministry of Social Welfare. The parents or guardians may appeal to the High Court of Administrative Justice against the Ministry's decision.

A child or young person may be placed in a foster-home in which there is no contagious illness and the conditions are sanitary, if it may be assumed that the home is suitable in other respects. The law prescribes that efforts should be made to keep the child in the same family during the entire time.

When a child or young person is placed in a foster-home, a written agreement, according to a form prescribed by the Minister of Social Welfare, must be made between the welfare board and the foster-parents. The agreement must specify the conditions of the child's or young person's care and upbringing. A member of the welfare board or some other person authorised by the board must visit the home at least four times a year, in order to see whether the agreement is being observed. Reports on each visit must be presented quarterly to the public welfare board, in accordance with a form prescribed by the Minister of Social Welfare.

Interference with the inspector's work is punished by law.

A child or young person placed out by the welfare board must be given good care and upbringing, must be sent to school as required by the law on compulsory school attendance, and must be taught a trade or some other occupation for which the child or young person shows a particular aptitude.

When a child or young person taken over by the board is in need of special care because of physical or mental illness, defect or other abnormality, the welfare board must see that such child or young person is given the necessary care.

The placing of children and young persons may be entrusted by the welfare board to a private child welfare society approved for that purpose by the Ministry of Social Welfare.

5. CHARACTER OF PERSONNEL EMPLOYED

The children placed in foster-families are visited by inspectors or by members of the social welfare councils. In cities, these inspectors usually work for remuneration, but in small towns and rural districts they give their services free, although this arrangement is considered unsatisfactory. The inspectors are appointed by the communal authorities in several communes on the recommendation of "Homes for Homeless Children"—a private child welfare society.

Although free courses have been given in Finland for these inspectors for the last fifteen years, according to Dr. Nyberg, they have not been well attended.

6. TYPES OF FOSTER-FAMILIES

The population of Finland is mostly rural, and about 80% of the children are placed in homes of farmers in fairly comfortable circumstances. The people in rural districts seem to be more willing to take children. The rest of the children are placed in the homes of clerks, small merchants and unmarried women, mostly school-teachers. Children are rarely placed in families of manual workers, because such families are considered as lacking in the necessary educational and economic requirements. In selecting a foster-home, consideration is given to the cultural level of the child's own home.

7. CO-OPERATION WITH EDUCATIONAL AND OTHER AGENCIES

According to Article 5 of the regulations for the administration of the Child Welfare Law of 1936, the public welfare board is required to help the child or young person with advice and information in the choice of an occupation or in finding suitable vocational education or employment. In this connection, the board is required to co-operate with the schools and with agencies interested in such problems, also with employment exchanges and with agencies in charge of the training of apprentices.

Article 39 of the Child Welfare Law of 1936 provides that the Ministry of Social Welfare may, after investigation, order that the State subsidise the communes to the extent of one-half, or more in special cases, of the amounts spent on vocational training of children or young persons taken over by the public welfare boards.

Even before the enactment of the Child Welfare Law of 1936, the Government contributed in many cases, upon request, one-half of the cost of the child's vocational education, provided the commune, a welfare agency or the person responsible for the child contributed the other half. The education consists of training in agriculture, industry, a trade or a commercial occupation. The amount of contributions varies according to the appropriation for that purpose in the national budget. In 1937, the appropriation was one million marks.

If a minister, school-teacher, health officer, midwife, police-officer or communal official finds out that a child is in need of care, he must report the fact without delay to the public welfare board. Reports may also be made by any other member of the commune.

8. AGENCY FOR FOSTER-HOMES

Since 1922, there has been functioning in Finland a private society for finding foster-homes and for improving the standards of foster-home care. This society, called "Homes for Homeless Children", finds homes for children who are to be placed out by the public authorities and by private agencies or individuals and exercises supervision over such children. The headquarters of the society are in Helsinki. It has eighty-seven local branches,

and 600 inspectors of placed-out children are employed, of whom one-third are women. It is often possible to place children outside their home towns, which is considered very desirable in many cases. Reports on supervision of the children are sent to the authorities concerned. The relatively high standard of the foster-homes and the publicity work done by the society have made placing in a foster-home popular and have improved the quality of work done throughout the whole country. The society always finds a sufficient number of good foster-homes. About 6% of all foster-children in Finland are under the care of the society, and in only about 3% of the cases has it been necessary to change the foster-homes.

The homes are inspected four times a year by the society's local agents, and, in addition, once a year by inspectors.

The work of the society is under the supervision of the Ministry of Social Welfare and is carried out in close co-operation with the child welfare authorities. The society is subsidised by the Government.

9. ANNEX

Relation between Authorities and Private Child Welfare Agencies in the Field of Foster-care in Finland since January 1st, 1937.

(a) The Present Organisation based on the New Legislation.

The care of children in foster-homes in Finland was reorganised at the beginning of 1937 as a result of the Child Welfare Law of January 17th, 1936, and the regulations for its administration issued on May 8th, 1936, both of which became effective on January 1st, 1937.

Under the new organisation, the foster-children are divided into two groups—children under private care and children under communal care. The former are brought up in foster-homes privately—that is, without any aid from the authorities. The latter are always brought up with the aid of these. Only children under private care are called foster-children, the others being designated "children taken over by the commune". The latter are under the guardianship of the commune, but not the former. Both groups are inspected by the child welfare councils or social welfare councils (according to Article 20, paragraph 2, and Article 29 of the law). Child welfare councils are available only in eight of the larger towns; elsewhere, child welfare work is under the social welfare councils.

Supervision of both groups may, however, also be entrusted by the above-mentioned councils to persons who are not members of the staffs of the councils—to private individuals, particularly women. These inspectors must receive an authorisation; the authorisation, however, is issued not to a society

as such but to the local inspectors employed by the society. According to Article 20 of the Decree of May 8th, 1936, containing the regulations for the administration of the Child Welfare Law of 1936, the placing of children under private care and those under communal care may be entrusted to a private society approved by the Ministry of Social Welfare.

As heretofore, the inspectors employed by private societies must be authorised by the child welfare councils and social welfare councils to investigate the prospective foster-homes and to supervise the children. Such authorisation is received without difficulty, because the private societies are not paid either for placing or for supervision.

At present, there is only one such society in the country—the large national organisation called “Homes for Homeless Children”, with eighty-seven local branches and 600 local inspectors. This society was approved by the Ministry of Social Welfare on December 28th, 1936, as an agency for child-placing, and it has recently been making arrangements for the inspection of foster-homes with all communes to which it has been giving its services for some time (the society was established in 1922) and with a number of new communes.

When an agreement of this kind is made, the society takes over the following functions, which would otherwise be performed by the commune :

(i) Placing and supervision of children under communal care. The commune orders foster-homes for a certain number of children. It gives the society information about the children and receives from it information about the homes; it also guarantees to the society payment of the money for the foster-care and signs a contract with the foster-parents.

(ii) In the cases of children under private care, the functions of the society are limited to supervision, which it exercises in the name of the commune. Children are placed only at the request of their parents or relatives.

The communal child welfare councils and social welfare councils are responsible to the Ministry of Social Welfare and its seven State inspectors for the supervision exercised by the society in their name. It is therefore the right and the duty of these councils to ascertain whether the society is carrying out its self-imposed duties satisfactorily. This is done by an inspection of the homes from time to time. Naturally, the society makes no changes and takes no measures as regards the foster-children without the approval of the commune.

Payment of the board of children under communal care is made by the commune through the society every three months, the local inspectors bringing the money when visiting the homes. At the same time, the inspectors (who are trained nurses, school-nurses, midwives, school-teachers or women with some other training, for whom special courses are given by the society) prepare a report in triplicate.

In the cases of children under communal care, one copy of the report is sent to the child welfare council or social welfare council which cares for the child

through the society, another copy is sent to the communal administrative office and the third copy is kept by the society. If the care given the child is not satisfactory, the necessary measures are taken by the society jointly with the communal child welfare council or social welfare council.

In the cases of children under private care, a copy of the report is sent to the administrative office of the commune in which the foster-home is situated. At present, 89% of the children placed by the society in foster-homes are under communal care, and only 11% under private care.

The society prefers childless couples, and, for this reason, many of the children are adopted. The society tries, as far as possible, to find free foster-homes for children under communal care when the financial position of the responsible commune is unsatisfactory; otherwise, the payments vary from 100 to 150 Finnish marks per month. This amount remains constant until the age of 16 years, or 17 in the case of illegitimate children. The society also provides vocational training by arrangement with the commune; one-half of the cost is paid by the commune (only in exceptional cases by the society) and the other half usually by the State. For 1937, the national legislature appropriated for this purpose one million marks; for 1938, two millions. In specified cases, children may remain under communal care until the age of 21.

The main reason why the child welfare councils are glad to enlist the society's aid is that, through it, their children can be placed more easily in other parts of the country in a completely new environment. This is particularly important for the rural communes, which, unlike some of the larger cities, cannot have their own representatives in other communes.

On the whole, it may be said that the aid given by the society to the communal child welfare councils and social welfare councils is of great importance.

(b) *Defects of the System.*

There are certain defects in the present system, which is still at the experimental state. I would like to explain how co-operation with the authorities and the society should be organised in the future.

A national society authorised to engage in foster-home care should have the right to decide on the selection of children to be placed in foster-homes, the selection of foster-homes, and the quality of the care given by the foster-parents. In other words, the society should have the same right of inspection as the communal child welfare councils and social welfare councils. Instead of entrusting the inspection to the communal councils, as is done at present, there should be established a State inspection office. The local inspectors employed by the society should be supervised by State inspectors, and not by the communes, because the local child welfare councils or social welfare councils cannot be always impartial. Hence a national inspection system would be preferable.

I am also in favour of the appointment by the State of women inspectors trained in social service, who would supervise both children and adults

placed in families. Only in such a way can a unified national system of inspection be organised throughout the country.

A social worker of this kind could be appointed for each commune, and would collaborate with the medical social worker, who, in Finland, is charged with (a) health work with school-children, (b) work with tuberculous patients and (c) health work with mothers.

The social worker, having more training in psychology and pedagogy than a medical social worker, would work with (a) children in foster-homes in the same commune, (b) children in foster-homes in other communes, (c) children presenting difficulties of behaviour and (d) adults brought up in foster-homes.

The custom of employing voluntary workers, which is still prevalent in Finland and elsewhere, is obsolete. It will gradually become necessary to pay salaries to trained workers.

(Signed) Bertel NYBERG.

Helsinki, August 25th, 1937.

Norway¹

1. HISTORICAL DEVELOPMENT OF THE PLACING OF CHILDREN

Prior to 1892, a certain amount of supervision of placed-out children in Norway was exercised by the public relief authorities. This supervision applied only to children placed out by those authorities; those placed out by their own parents or other persons or by public or private agencies received no supervision.

A brief clause in a law passed in 1892 relating to the support of legitimate and illegitimate children made the public health authorities responsible for the supervision of children in paid foster-homes until they reached school age. School authorities were considered able to exercise sufficient supervision over children of school age.

These regulations proved to be insufficient to prevent abuses. Following the sensational case of the murder of a foster-child in Christiania (Oslo) in 1901, an official committee was appointed. This committee's work resulted in the enactment of a law in 1905 on the care of foster-children, which, however, was effective only in such communes as requested the Government for permission to operate under the law and were granted such permission. In the

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

remaining communes, the Law of 1892 remained in effect until 1915. It was then repealed by the passage of the Child Welfare Law, which contains a chapter on supervision of children placed in foster-homes. Thus, in December 1936, there were, in Norway, two legislative acts relating to supervision of children in foster-homes. In some communes, the Law of 1905 is in force; in others, the Law of 1915.

2. PLACING OF CHILDREN IN FOSTER-HOMES BY PRIVATE PERSONS

(a) *Law of 1905 on the Placing of Children in Foster-homes.*

The Law of 1905 provides for the supervision of children under 14 placed for pay in foster-homes by their parents or guardians. Supervision is exercised by the local public health councils. The councils may also decide in special cases to extend supervision to children under 14 placed in free foster-homes.

(i) *Permission to take a Foster-child.*

The public health authorities may prescribe that, within a specified district, preliminary permission to take a child is required. Such permission must be obtained from the local public health council. A permit is issued, following an interview, to persons who are known to be reputable and trustworthy and may be expected to treat the child well. The permit is given in writing and may be cancelled at any time. The public health council may issue additional regulations as to the grant of the permit.

A person placing out a child is required to report the fact within twenty-four hours to the public health council of his or her place of residence. Failure to report is punishable by law. When the child is placed in another commune, the chairman of the public health council is required to communicate without delay with the council of the other commune.

A person taking a foster-child is required to report the fact within twenty-four hours to the public health council of his residence. The report must state the child's name, age, place of birth, name of parents, name of foster-parents, their situation, their place of residence and also the conditions of the foster-care.

Local public health councils are required to keep a register of such reports, in the manner prescribed by the National Department of Health.

(ii) *Supervision of Children in Foster-homes.*

Upon receipt of a report on the placing of a child, the local public health council is required to inspect the home within two days, if it is in a town, or within ten days, if in the country, to see whether the conditions are such that proper care of the child may be expected. If conditions in the foster-home are found to be satisfactory and the foster-parents are allowed to keep the child, the public health council appoints without delay, as supervisor of the child, a man or woman living in the vicinity of the foster-home who seems suitable for the task.

This person is required to accept the appointment for one or more foster-children in the same home, unless he or she is more than 50 years of age and has served previously as supervisor in the same commune for seven years or more. If the supervisor dies or moves from the district, or, after seven consecutive years of service, wishes to give up the work, a new supervisor must be appointed by the public health council without delay.

For purposes of the fulfilment of the work, the supervisor is to be regarded as a public employee.

The supervisor is required to visit the foster-home at least once a month, on different dates; a note of each visit is to be made in a book kept by the foster-parents in accordance with a form prescribed by the National Department of Health. When conditions in the home are found to be unsatisfactory, or the child does not receive proper care, the supervisor is required to report immediately to the public health council, and the council must take steps to meet the situation.

Changes of address by the foster-parents must be reported within twenty-four hours to the supervisor, who in turn is required so to inform the public health council without delay. The council is then required to inspect the new residence, and may appoint a new supervisor if the previous supervisor lives too far from the foster-parents' new residence.

The death of the child, or the end of the foster-relationship for other reasons, must likewise be reported by the foster-parents

within twenty-four hours to the supervisor, who is required to inform the public health council without delay. Failure to comply with these regulations is punishable by law.

The council may issue further regulations regarding the supervision of the child and may prescribe special duties for the supervisor; it may also order the discontinuance of supervision in cases where it seems safe to do so, although this order may later be revoked.

In addition to responsibility for children under 14 placed by their parents in foster-families, the public health councils are required by law to supervise children placed out by the public relief authorities, as well as neglected, wayward and delinquent children under 18 brought from other communes, when a request for such supervision is made by the authorities placing out such children.

Any person wishing to act as agent for the placing of children in foster-homes must obtain permission from the police, who supervise his activities in this respect. Permission is given only to citizens of Norway residing in that country, of either sex, who are known to be honest and reliable, and such permission may be withdrawn at any time if the work of any agent is not considered satisfactory.

Persons employed by the Government and those holding elective public offices are required to aid the council in the enforcement of this law.

(b) Clauses of the Child Welfare Law of 1915 dealing with the Placing of Children.

The Child Welfare Law of 1915, like that of 1905, requires supervision over placed-out children under 14, but placing must be reported within three days, instead of twenty-four hours, as under the Law of 1905. The report must be made to the local public health council by both the person placing the child and the foster-parents. When the child is placed in another commune, the public health council of that commune must be notified by the council of the commune of previous residence. Any change of the foster-parents' address must be reported within eight days.

Supervision is exercised by the local public health council; but the present law does not require the council to inspect the foster-home within a specified time after the child has been placed, as did the Law of 1905. A child in a free foster-home may also be supervised by the public health council, if he is physically or morally neglected, or if there is reason to fear that he may become neglected because of the foster-parents' negligence or depravity. In more serious cases, supervision is exercised by the local child welfare council.

Children placed in paid foster-homes, according to the Law of 1915, may be supervised by members of the public health council, by salaried persons especially employed for that purpose, or by unpaid persons—men or women—residing in the same neighbourhood as the child and considered to be qualified for the task. The appointment is a civic duty and may not be declined unless the appointee is 50 years of age and has served as supervisor for seven years or more. For the purposes of the performance of his duties, a supervisor is considered to be a public employee.

When the public health council finds that a child who is under its supervision does not behave well or that conditions in the foster-home are not satisfactory, the council is required to take measures for the correction of the conditions or for the transfer of the child to another home. If the council's orders are not complied with, the council may remove the child from the foster-home.

The public health council can prescribe such further detailed regulations on supervision as are considered necessary.

A circular issued by the National Department of Social Welfare several months after the enactment of the Child Welfare Law of 1915 emphasises that it is the particular duty of the chairman of the public health council to watch over the enforcement of this law.

3. PLACING OF NEGLECTED, WAYWARD AND DELINQUENT CHILDREN UNDER THE LAWS OF 1896 AND 1930

The Law of 1896 on the treatment of neglected, wayward and delinquent children, as amended in 1930, applies to children and young persons under 18 who have committed a punishable act,

who show moral perversity, who, because of their parents' depravity, are abused or morally neglected, or who present difficulties of behaviour.

Such cases are referred to the communal child welfare councils, which also function as juvenile courts in Norway. According to the law, such a council must be established in every commune. It consists of the magistrate, the clergyman, the public health officer and four other members appointed by the communal authorities; including one or more women. The members of the council are appointed for two years and serve without remuneration, except that, in the larger cities, the chairman is appointed without specified term and receives a salary from the Government.

There is no minimum age limiting the council's jurisdiction, but the maximum age specified in the Law of 1896, was 16. An amendment of 1930 raised the age to 18. Persons may remain under the supervision of the council until the age of 21.

The law does not specify the manner in which cases must be brought before the council, but most of them are reported by the police authorities, the schools, the public health committees and the poor law authorities. Cases are also reported by relatives or friends, and sometimes by parents.

The council's sessions are held behind closed doors, only the child's parents and the necessary witnesses being admitted.

The council may remove a child from his home and place him in a foster-family or institution. Most of the children, however, are placed in foster-families.

The council is responsible for proper supervision of these placed-out children, such supervision being given through visits to the foster-homes. In the smaller towns, as a rule, the visits are made by the chairman of the child welfare council or a member of the council residing near the child, or by some other suitable person—man or woman—also residing near the child, giving his or her services free. In the larger towns, the visits are made by men or women, salaried employees of the child welfare council. Although the law does not specify the methods or frequency of the visits, in many places, the members of the council visit the children once or twice a year.

4. PLACING BY THE PUBLIC RELIEF AUTHORITIES AS PRESCRIBED BY THE LAW OF 1900 ON PUBLIC RELIEF

The local public relief councils are authorised by the Law of 1900 on public relief to place in foster-families children under 15 who have lost one or both parents or whose parents are destitute or ill, and whose children cannot be kept with them. No other information on the placing of these children or supervision over them is given in the law, but it is known that such children are under the supervision of the local public health councils in the same way as children placed out by their own parents. The cost of maintaining the child is met by the public agency placing it out.

5. DUTIES OF FOSTER-PARENTS WITH REGARD TO THE CHILD'S SCHOOL ATTENDANCE AND WORK

The foster-parents are required to send the children to school, in accordance with the law on compulsory school attendance, to see that their lessons are prepared properly and to see that the children get sufficient sleep. They must also ensure the children have the necessary clothes and school supplies. The foster-parents may use the children for light domestic or farm work suitable to their age, provided it does not interfere with their school attendance. Employment of a foster-child on heavy work is strictly forbidden.

According to the Law of 1930, a child above school age placed in a foster-family may be given the work of a domestic servant, or may be apprenticed. A similar agreement may be made in placing a child of school age, such agreement to become effective when the child completes the required school-attendance period.

6. TYPES OF FOSTER-FAMILIES

Children are placed preferably in rural districts with farmers or in cities or towns with lower-middle-class families, rarely with better situated families. An endeavour is made to place brothers and sisters in the same family.

7. CHARACTER OF PERSONNEL EMPLOYED : TRAINING FOR CHILD WELFARE WORK

The visiting of children in foster-homes, as previously described, is done by members of the local child welfare councils, or by members of the local public health councils, or by private persons who are appointed by one or the other of these councils and who give their services free. No training in child welfare work or social work is required either of the private persons or the members of the councils. In some of the larger cities, however, there has been an increasing tendency in recent years to employ experienced and paid social workers instead of volunteers.

Complaints have been made of the shortage of facilities for training in social service. Brief courses on social work have been given for some years under the auspices of the National Council of Norwegian Women, but these have been considered insufficient. At a meeting of the *Sociale Etaters Forening*, an organisation of social workers in the commune of Oslo, held in May 1933, it was decided to establish a school for social workers, and such a school with a two-semester course was opened in Oslo in October 1933. The theoretical part of the course consists of the following subjects : Development and history of social work, legislation on public welfare, relief work, public health, child welfare, pensions, work among the unemployed, health work for children and needy persons, work among inebriates, social insurance and public welfare work in Oslo. The practical instructions include, *inter alia*, visits to various institutions.

In 1935, a school was opened in Oslo for the training of young women in work with pre-school children, mainly in day nurseries and other institutions. The course, which lasts one year, consists of practical work and theoretical subjects, including education, child psychology, hygiene, dietetics and nature study.

8. REMARKS ON THE FUNCTIONING OF THE SYSTEM OF PLACING OF CHILDREN : PLANS FOR IMPROVEMENT

Supervision over placed-out children is exercised by three different authorities—the public health councils, the child welfare councils and the public relief authorities. Moreover, as already

stated, in some localities, the law applied to placed-out children is that of 1905, while elsewhere it is that of 1915. Complaints are often made that the system of supervision does not work satisfactorily. Various proposals have been made for entrusting the supervision to one agency. In some communes, all matters relating to placed-out children have already been entrusted to one person—an official of the local department of public relief.

The provision in the Law of 1896, as amended in 1930, for the supervision of children in foster-families by persons residing in the neighbourhood has also been much criticised, because, except in a few large cities, persons residing in the same neighbourhood are bound to be acquainted with each other and strangers are considered preferable as supervisors.

The National Department of Social Welfare was recently asked by an organisation of child welfare workers to codify the child welfare laws. In July 1935, an official committee was appointed for the revision of the social welfare laws; this committee will also revise the legislation on the placing of children.

9. CHILDREN UNDER 18 REMOVED FROM THEIR HOMES BY THE LOCAL CHILD WELFARE COUNCILS AND PLACED IN FOSTER-HOMES OR INSTITUTIONS ¹

(The children are removed because they are morally neglected, abused, wayward or delinquent.)

	1927	1928	1929	1930	1931	1932	1933	1934	1935
In foster-homes....	1,868	1,855	1,785	1,755	1,887	1,743	1,757	1,759	1,856
In institutions ²	1,391	1,443	1,428	1,440	1,415	1,453	1,434	1,405	1,494

¹ The figures refer to the number of children at the end of each year.

² These institutions include:

(a) Institutions for children under school age;

(b) Institutions for normal children of school age;

(c) Institutions for children and young persons presenting serious behaviour problems.

Sweden¹

1. HISTORY OF THE REGULATION OF THE PLACING OF CHILDREN IN FOSTER-FAMILIES

Unsuccessful attempts at regulating the placing of children in foster-families in Sweden were made in the early part of the nineteenth century. In 1890, in response to public demand, the King appointed a committee to study the situation of placed-out children and to suggest improvements. The first law on this subject was enacted in 1902. This law, which provided for the supervision of placed-out children under the age of 7 years, was severely criticised, and was finally replaced in 1924 by the Law on the Public Care of Children, which is in force at present. The law came into effect in 1926, but has been amended several times. It provides for the organisation of child welfare work on a national basis.

2. LEGAL AUTHORITY IN CHARGE OF THE PLACING OF CHILDREN

The Law of 1924 (Articles 1 and 2) provides for the establishment in every commune of a child welfare council, although two or more communes may have a joint child welfare council. The council consists of a member of the communal poor relief board, the clergyman, a man or woman teacher, at least two other persons—men or women familiar with child welfare work—and the public health officer.

The child welfare council must follow conditions in the commune in respect of the supervision and education of children and young people, and must be careful to see that action is taken in respect of any child or young person residing in the commune under conditions which call for such action.

The council has the following special duties :

In cases of the kind referred to in Article 22, to concern itself with children who are ill-treated or deserted, or whose life or health is otherwise exposed to danger, erring or

¹ This summary was prepared by Mrs. Anna Kalet Smith, of the Children's Bureau, United States Department of Labor, Washington, D.C.

neglected children and also young people leading irregular, idle or depraved lives;

In cases of the kind referred to in Article 29, to take care of indigent, sick or deserted children;

In accordance with the provisions of Chapter VII, to exercise supervision over children placed in families.

The provincial authorities are required to see that the Child Welfare Law is properly administered, so that the persons in need may receive the attention prescribed by the law (Articles 20 and 21). A consultant on child welfare is appointed in each province to aid the provincial authorities in their child welfare work and give them information and advice. Among his other duties, the consultant has to ascertain how supervision over foster-children is carried out. When necessary, the authorities of the province may order the local public health officer to investigate conditions which are reported to be contrary to the welfare of children.

National supervision of child welfare work is exercised by the Department of Social Welfare through the national inspector for poor relief and child welfare (Article 21 of the Child Welfare Law of 1924). The inspector's duties are to supervise all child welfare work in the country, including the work of the institutions, and to see that it is done efficiently; to promote the development of child welfare work; and to see that close co-operation is maintained between all agencies and individuals engaged in child welfare work. Also in the National Department of Social Welfare there is a bureau which has jurisdiction over various questions related to child welfare or poor relief.

3. LEGISLATIVE PROVISIONS ON THE PLACING OF NORMAL CHILDREN IN PAID FOSTER-HOMES BY THEIR OWN PARENTS OR OTHER PRIVATE PERSONS¹

The legislative provisions on the placing of children in paid foster-homes by their own parents or by other private persons

¹ The legislative provisions on the placing of normal children in paid foster-homes by their own parents or other private persons differ somewhat from those on the placing of children in foster-homes by child welfare councils. Accordingly, they are described separately.

are given in Chapter VII, Articles 49 to 58, of the Child Welfare Law of 1924. These articles are worded as follows :

CHAPTER VII.—SUPERVISION OF THE CARE OF CHILDREN PLACED
IN FOSTER-FAMILIES

Introductory Provisions.

Article 49.

A child under 16 who is brought up in return for remuneration by persons other than his parents or specially appointed guardians shall be termed in this law 2 "foster-child" and shall be placed under the supervision of the local child welfare council in accordance with the provisions of this chapter. (The rest of the paragraph applies to children in institutions.)

When such is warranted by special circumstances, the child welfare council, or, in an urgent case, its chairman, may decide that a child under 16 who lives with persons other than his parents or guardians, as stated above, but cannot be referred to as a foster-child within the meaning of the above paragraph, shall be temporarily considered to be such; and, in such case, the present chapter and Article 73 shall be applicable.¹ When such a decision is made by the chairman, he must announce it at the next meeting of the council, which has to consider whether the decision shall continue to stand.

"Foster-home" shall be taken for purposes of this law to mean a private home into which a foster-child is taken; "foster-parents" are those who take a foster-child into their home.

Article 50.

The provisions of the present chapter shall not apply to children living in institutions for wayward, delinquent or mentally or physically defective children and those who have been taken by the local child welfare council under its authority and are remaining in the same commune.

The Foster-parents' Obligation to report, etc.

Article 51.

A person taking a foster-child must report the fact to the child welfare council.

In a town or borough with its own administration, the report must be made within two days, and elsewhere within eight days, after the child was taken by the foster-parents, and must contain the following information :

(a) The foster-child's name and address;

(b) The name and address of the person who places the child in the foster-home (or institution).

¹ Article 73 prescribes a fine from 5 to 100 kronor for persons taking a foster-child into their home but failing to report to the child welfare council. For taking a child into a foster-home in spite of prohibition, a fine (the amount being in proportion to income) is prescribed, or, when the circumstances are particularly serious, imprisonment up to six months.

With the report or within the time specified by the child welfare council, there shall be presented an extract from the birth register or a certificate of the child's age; there shall also be furnished a statement of the conditions under which the child is taken to board and of any other circumstances that may be of importance for judging the suitability of the foster-home (or institution).

The report may be made in writing or orally; besides the child welfare council, the report may be sent to the chairman of the child welfare council, any other member of the council, or any person appointed by the council to receive such reports.

If the foster-home (or child welfare institution) is moved to another place in the same commune, the foster-parents shall be required to report the fact to the child welfare council within the period of time prescribed in the present article.

If the foster-home (or institution) is moved to another commune, the foster-parents shall be required to report the fact to the child welfare council of that commune in accordance with the provisions of the present article.

Prior to moving, the foster-parents shall also report to the child welfare council of the commune from which the foster-home (or child welfare institution) is moved the name of the commune to which they have gone.

If the foster-child dies, or if the foster-parents send away the child, they must report the fact to the child welfare council, in a town or borough with a communal administration of its own within two days, and elsewhere within four days, after the child dies or is sent away.

The report that the foster-child is transferred to the care of another person shall state the latter's name and address.

Supervision.

Article 52.

The child welfare council shall see that the foster-child receives good care and upbringing, and the necessary special care in case of sickness. Particular care should be given to foster-children in the period of infancy.

The child welfare council shall issue to the foster-parents the necessary instructions as to the child's care and upbringing, whenever the foster-parents need such instructions.

Article 53.

When a child welfare council is informed of the placing of a child in a foster-home or institution for children, the council must without delay order an investigation of the foster-home or institution, unless it is already thoroughly familiar with it.

Even in any other case, the council shall be required, so far as seems necessary, to order an investigation of conditions in the foster-home or institution.

Measures against Irregularities in the Foster-home.

Article 54.

If the child welfare council finds that the foster-child does not receive satisfactory care or upbringing on account of the foster-parents' personal characteristics, or of other circumstances, the child welfare council shall seek to correct the situation through appropriate representations. When such is warranted by circumstances, the council may order the foster-parents to apply to a suitable institution capable of supplementing family training, or to provide the child with some employment specified by the council.

Article 55.

If the council finds that the measures mentioned in Article 54 are inadequate, or if they have been taken but have produced no results, the council shall order the foster-parents to give over the child, within a specified period of time, to the person who is required to take care of the child. If this is not feasible, or if the child cannot remain in the foster-home without serious danger until it can be delivered by the parent to the above-mentioned person, the child welfare council must take the child under its care and treat it as a child who is "taken over for public care". Children who are neglected by their parents or who, by reason of physical or mental illness or defect, are in need of special care which cannot be given in their homes, may be taken over by the child welfare council, with the parents' permission; this is called in the Law "taken over for public care".

This form of treatment is prescribed by Article 29 of the Law, which provides that, if a child under 16 years of age living with its parents is in want, by reason of their illness, neglect or incapacity, or of other family circumstances, but is nevertheless not covered by the provisions of Article 22, the child welfare council shall, in the absence of other means of remedying the situation, take care of the child, with its parents' consent.

Furthermore, if in cases other than those provided for under Article 22, a child under 16 years of age has need, owing to physical or mental disease, infirmity or any other physical or mental defect or weakness, of special care outside the family which its parents are unable to provide for it, the child welfare council must, failing other means of dealing with the case, take charge of the child, with its parents' consent.

If a child under 16 is thought to need care because its parents are dead or have deserted it, the child welfare council must take charge of it, in the absence of other means of dealing with the situation.

Lastly, the same article further provides that a child taken charge of in the above-mentioned circumstances shall receive "protective" education.

When a child less than a year old is taken into a foster-home, and the foster-parent already has in his care two other such foster-children, the council shall also proceed in the manner specified in the above paragraph (it shall take over the child); the council, however, may make an exception in special cases.

With regard to the procedure of taking over a child for public care, according to the present article, the provisions of Article 31 on this subject shall be applicable.¹

When a measure is taken under the terms of this article, it is the duty of the council to notify without delay the person who is required to take care of the child.

Article 56.

If the child welfare council has taken action under Article 55, it may, if there are grounds for so doing, prohibit the foster-parent from taking children in the future.

Such prohibition may also be issued, even if no measure has been taken under Article 55, in the case of the person who may be assumed to have the intention of taking foster-children, if in view of that person's personal characteristics or circumstances there is danger that foster-children cannot receive in his house satisfactory care and training.

If the family's dwelling is insanitary, the child welfare council may forbid that a child be taken into the home,

The prohibition to a specified person to take a foster-child shall remain in force even when the person moves to another commune. The child welfare council which issues the prohibition shall, upon being informed about the moving, report the prohibition without delay to the child welfare council of the commune into which the person in question is reported to have moved. The child welfare council which receives such a communication shall also, if the person against whom the prohibition was issued moves again to another commune, notify the child welfare council in the last commune of the prohibition.

¹ Article 31 provides that when, in the cases referred to in Articles 22 and 29 (for their contents, see page 54) the need to make arrangements for protective education or to take preventive measures is so urgent that it is impossible to await the decision of the child welfare council, the chairman of the council may take charge of the child pending its decision. In the cases provided for under Article 29, similar action may also be taken by other members of the council or by its officials, provided the commune has given them authority for such purpose.

Should action have been taken in any of the cases provided for under Article 22 (a) & (c), without the consent of the parents, or should any person referred to in Article 22 (d) have been taken charge of, the chairman shall immediately convene the council to take a decision in the case.

If any person between 18 and 21 is found to be leading an irregular or depraved life, involving danger to public order or safety, and if the risk is so imminent that it would be dangerous to await the application of the measures incumbent on the child welfare council or its chairman, the police authorities are entitled to take charge of the said person until the council or its chairman has reached a decision in the case. Even where there is no imminent danger, the police authorities may, where it is not possible to discover the name, age or address of the person concerned, take charge of him until such information has been obtained. The police authorities are required to give notice in the manner prescribed in Article 17 if they take any of the measures referred to.

The prohibition referred to in this article may be revoked by the child welfare council when such is warranted by circumstances. If the person moves to another commune, it is the duty of the child welfare council of that commune also to revoke the prohibition.

Article 57.

If the person who is required to report under Article 51 the fact of taking a foster-child into his home fails to do so, the child welfare council may take the measures prescribed in Article 55, if it finds that such action is warranted by circumstances, and may also forbid the person to receive a foster-child.

Article 58.

If the child welfare council finds that a child placed in a foster-home within the commune by a child welfare council of another commune does not receive satisfactory care or bringing up, or that the child, by reason of his demoralisation, exercises a harmful influence over the other children, it shall report without delay to the council which placed the child in the foster-home.

If such report does not produce the intended effect, the child welfare council may either itself take the measures which are prescribed in this Law, or it may report the case to the provincial authorities so that they may take such measures as are within their power.

The Law provides penalties for failure on the part of foster-parents to report to the child welfare council the fact that they have taken a child into their home for foster-care; penalties are also provided for taking a child after the child welfare council has forbidden the person to take children for foster-care (Chapter X).

4. PLACING OF CHILDREN IN FOSTER-HOMES
BY CHILD WELFARE COUNCILS

(a) *Neglected, Destitute and Sick Children.*

Article 20.

The child welfare councils, which, under the Law of 1924, were established in every commune, are authorised to take under their care with the parents' permission, children under 16 who are destitute on account of their parents' illness, negligence or incompetence, and also children suffering from physical or mental illness or defect who cannot receive the necessary care in their own homes, and deserted children and orphans receiving no help from other sources.

(b) *Delinquent Children and Children in Moral Danger.*

Article 22.

The councils may also take under their care, even without the parents' permission :

(i) Children under 16 who are ill-treated in their parents' home or whose life or health is jeopardised by gross want of care or by any other danger;

(ii) Children of the above age who are in moral danger owing to their parents' depravity, neglect or incapacity to bring up children;

(iii) Children under 18 who are so depraved that special educational measures are required for their improvement, and

(iv) Persons between 18 and 21 who are leading an irregular, idle or depraved life, in respect of whom the community is required to take special measures for their improvement.

(c) *Supervision by the Councils of the Children mentioned under (a) and (b) and placed in Foster-families.*

Articles 34 and 35.

The neglected, destitute, sick, ill-treated and wayward children and young persons who are taken over by the child welfare councils are sometimes placed in institutions and sometimes in foster-families. Before placing a child in a foster-family, the council ascertains whether the prospective foster-parents are fully qualified to take proper care of the child. A written contract is signed in which the mutual rights and obligations of both parties are stated.

The councils are required to see that the foster-parents fulfil their obligations. The councils must also send inspectors to the foster-homes to follow the children's development.

If a child is placed in a foster-home in another commune, a report to that effect must be sent without delay to the child welfare council of that commune.

5. CHARACTER OF PERSONNEL EMPLOYED

For the most part, trained social workers are employed for the investigation of foster-homes and for visiting children placed in foster-homes. In rural communities, however, the investigating and visiting is sometimes done by members of the local child welfare council who are not required to have received training in social service.

Special training is provided for all the various kinds of social work. Numerous schools are in existence for that purpose. The requirements for applicants specify a certain age, a general education and good health and character. There are several organisations in Sweden which work, *inter alia*, for the improvement of the standards of training for social work.

6. RELATIONSHIP TO PUBLIC ASSISTANCE

The Law on Public Assistance, which provides aid to needy families, applies to children only as long as they remain in the family. When the parents are unable to care for their child and agree to his removal from the home, the child welfare council takes over the child and deals with him under the Child Welfare Law of 1924; it places him in a foster-home or institution and retains supervision over him as long as is necessary.

7. RELATIONSHIP TO PROTECTION OF ILLEGITIMATE CHILDREN

There are no special provisions as to the placing of illegitimate children; the regulations on placing in general apply to children irrespective of birth. The agencies administering the placing regulations—namely, the child welfare councils—also take part in the administration of the law on the care of illegitimate children. An unmarried woman expecting the birth of a child is required to report the fact three months before the expected birth to a member of the child welfare council or to another person authorised by that council to accept reports. For every child of illegitimate birth, the child welfare council appoints a "child

welfare agent", who aids the mother with advice and information. The child welfare council supervises the activities of the child welfare agent.

8. RELATIONSHIP TO SERVICES CARING FOR DELINQUENTS

Children under 15 are not considered responsible before the law and are not punished, irrespective of the nature of their offence or crime. Those who are accused of an offence or crime are referred to the local child welfare council.

Young persons over 15 but under 18 charged with a minor offence for which no prosecution has been brought by the public prosecutor or plaintiff, are also referred to the child welfare council, which takes care of them under the Law of 1924. If the offence is more serious, the case comes under the jurisdiction of the public prosecutor. The investigation of such a case is made by the child welfare council.

The placing of wayward and delinquent children and young persons in foster-homes is one of the measures prescribed by the Law of 1924.

9. TYPES OF HOMES AND METHOD OF SELECTION OF HOMES : INVESTIGATION AND SUPERVISION

The families selected by the child welfare councils for the placement of children are mostly those of farmers or artisans in fairly comfortable circumstances. Children whose parents show an interest in them and intend to take them back as soon as possible, are placed in families in or near the communities in which their parents live.

Special care is taken in the selection of foster-homes for children who are to remain in these homes permanently or at least for a long time—for instance, orphans or children deserted by their parents.

Home-finding is generally carried on by a child welfare agent, usually a woman who is employed by the associated child welfare councils of the province. Each home is investigated before a child is placed in it.

The agent is required to visit the foster-home after the child is placed there. If the home is becoming so undesirable that the

child can no longer be left there, the agent must get in touch with the child welfare council or the person who placed the child and ask for permission to remove the child at once. If the agent finds that conditions in the home are not bad enough to warrant the child's removal, she reminds the foster-parents of their obligations and reports the case to the local child welfare council so that it may keep the home under supervision.

If the agent receives information of irregularities in a foster-home, the supervision of which was not assigned to her, she must report the fact without delay to the local child welfare council and offer to help the council with the removal of the child, if necessary. If the council fails to take the required measures, a report must be made by the agent to the consultant on child welfare in that province.

A circular issued early in 1933 by the bureau of poor relief and child care of the National Department of Social Welfare authorised the communal child welfare councils to investigate, in collaboration with the child welfare agent, all foster-homes in their respective districts and to ascertain whether any other foster-homes unknown to them exist in the locality. Reports on the result of this investigation were to be sent to the child welfare consultant. By the end of 1935, 15,722 foster-homes with 17,815 children had been investigated in 1,349 communes. In the cases of 1,278 children, the foster-parents failed to notify the child welfare councils that they had foster-children in their homes. This investigation showed the need for continued regular supervision of the foster-homes; and, as a result, in a number of places, at the suggestion of the provincial child welfare agent, members of the child welfare councils divided the foster-homes among themselves for purposes of constant supervision.

10. CO-OPERATION BETWEEN CHILD WELFARE COUNCILS AND OTHER AGENCIES

The child welfare councils are urged to co-operate with the public authorities and private agencies which are engaged in child welfare work and also among themselves (Article 16).

In the matter of the supervision of placed-out children, the child welfare councils receive the co-operation of the public health officers and school-teachers.

Co-operation between child welfare councils and poor relief boards is the subject of special regulations. For instance, it is prescribed that, in communes in which there is a separate child welfare council, representatives of the council shall meet those of the poor relief board for the discussion of common problems.

When an agency or individual wants to call the attention of a child welfare council to a case, a report is made either to the council itself or to its chairman or to some other member, or to a person appointed by the council to receive such reports. This person is required to forward the report without delay to the council. Employees of the local authorities or the Government, physicians and midwives are also required to report to the child welfare council all cases of children needing the council's attention. In such cases, the chairman of the council is required to order an investigation. In the cases of children under 18 who are or have been attending school, information must be obtained on their conduct in school. School-teachers, headmasters and headmistresses, and other educational authorities are required to collaborate in the investigation. A physician's opinion is also asked when there is reason to suspect illness.

According to the regulations, the national inspector of child welfare is required to have at least one conference a year with all the provincial consultants, at which child welfare work is discussed and plans made for the uniform treatment of child welfare problems. At these conferences, representatives from Government child welfare agencies and from the Swedish Poor Relief and Child Welfare Society, which is a leading factor in child welfare work in Sweden, also take part.

11. NUMBER OF CHILDREN PLACED IN FOSTER-HOMES AND INSTITUTIONS

The number of children under 16 placed by their own parents or guardians and kept under the supervision of the child welfare councils was :

Year	Number of children placed in :	
	Foster-homes	Institutions
1928	25,515	4,142
1931	26,530	5,021
1934	25,110	4,786

The number of dependent, neglected and wayward children under 16 and delinquent children under 18 removed by the authorities from their own homes was :

Year	Number of children placed in :	
	Foster-homes	Institutions
1928	26,653	9,941
1931	28,945	11,325
1934	31,917	12,718

The figures have been published every three years since 1928. Similar figures for other years are not available.

BELGIUM¹

1. INTRODUCTION

The placing and supervision of children in families in Belgium are entrusted to different governmental agencies, depending on the circumstances of the children. Normal children under 7 placed in foster-homes by their own parents are under the supervision of the National Organisation for Child Welfare; dependent children are placed in foster-homes by the public relief committees, under whose care they remain until they come of age. There is a national agency for the care of war orphans, which supervises those whom it places in foster-homes, and a similar agency for orphans of victims of industrial accidents. Wayward and delinquent children are under the care of the juvenile court, which also supervises the children whom it places in foster-homes.

2. SUPERVISION OF CHILDREN PLACED IN FOSTER-HOMES BY THEIR OWN PARENTS

(a) *Legislative Provisions.*

The supervision of children under the age of 7 placed in foster-homes by their own parents was first regulated in Belgium by the Law of September 5th, 1919, on the establishment of the

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

National Organisation for Child Welfare (Œuvre nationale de l'Enfance). According to this Law (Articles 12 and 18), no person may receive for paid foster-care a child under the age of 7 without a permit from the local mayor and the board of aldermen. The application for a permit must be accompanied by a certificate, issued by the local child health centre and stating that the physician attached to that centre will visit the child at least once a month in order to see that it receives proper care.

The National Organisation for Child Welfare was ordered by this law to organise the supervision of foster-children. This is carried out through public health nurses employed by the Organisation. Foster-parents failing to observe the prescribed rules are to be reported by the Organisation to the public prosecutor, who is to ask the judge of the juvenile court to take measures for the protection of the child. The Law of 1919, however, provided no penalty for the foster-parents' failure to ask for permission, and, as a result, many foster-children remained without supervision. This condition was severely criticised by the leading social workers of Belgium, who also pointed out the failure of the Law to provide for an investigation of the conditions in foster-homes and a physical examination of the foster-parents. Finally, a penalty for failure to obtain a preliminary permit was provided in 1935 by an amendment of the 1919 Law. This provides that any person receiving for paid foster-care a child under 7 years of age without a permit from the mayor and board of aldermen is to be punished upon conviction by imprisonment of not less than a week and not more than a year, or by a fine of not less than 26 and not more than 100 francs, or by both these penalties. Ignorance of the Law or simple negligence may be considered extenuating circumstances.

(b) *Measures taken by the National Organisation
for Child Welfare.*

The Organisation for Child Welfare of Belgium, realising the failure of the Law to give sufficient protection to placed-out children, took measures, even before the amendment of 1935, to discover these children in order to provide supervision. Since 1920, questionnaires have been sent by the Organisation on several

occasions to child welfare agencies and to mayors in a number of cities asking for information about placed-out children in their localities; and circulars have been sent several times by the Minister of the Interior and Public Health to the governors of the provinces asking for their co-operation.

No replies were obtained from some localities; from others, it was reported that no foster-children were known to be present; both circumstances warranted the conclusion that a number of children escaped supervision. In spite of these difficulties, however, several hundred foster-children are discovered by the Organisation every year; in 1934, 630 such children were found. The Organisation supervises both the children which it places out itself and those placed out by other agencies or by individuals. Before every placement, whether made by the Organisation or by another agency or individual, an investigation of the family is made by the Organisation. The foster-mothers are required to bring the children to the local child health centres at specified intervals. Between examinations at the centres, the children are visited at their homes by public health nurses. In the places in which there are no such centres, the children are visited periodically by a local physician at the Organisation's request.

The Organisation had the following number of children under 7 in foster-homes under supervision :

1931	2,529
1932	2,767
1933	3,014
1934	3,120
1935	2,875

3. PLACING OF DEPENDENT CHILDREN BY THE PUBLIC RELIEF COMMITTEES

(a) *Legislative Provisions on Dependent Children.*

Under the Law of March 10th, 1925, on public relief, the local public relief committees (commissions d'assistance) are entrusted with the care and guardianship of (1) foundlings whose parents are unknown, (2) children who had been brought up by their parents but were later deserted by them, and (3) orphans without

any means of support (Article 76). The public relief committees are the legal guardians of these children until they come of age. The committees are also required to aid "within the limits of their means" mothers who are the sole support of one or more children under 16.

The law does not regulate the placing of children; and, as a result, each commune has its own methods. In Brussels, for instance, the children are placed by the local public relief committee in institutions and only in exceptional cases in foster-families. These are usually childless couples in at least fairly comfortable circumstances, who have no financial interest in the placing, and who seem to be able to assure the welfare of the child.

(b) *Placing of Children and Supervision in Brussels.*

Before placing a child in a family, the public relief committee makes enquiries as to the life, morals and financial conditions of the family, and requires a physician's certificate to the effect that the foster-mother can no longer expect to have children of her own. The family is questioned directly; enquiries are also made of the mayor, and a trained visitor makes an investigation of the home. If the home seems to him satisfactory, the inspector gives the prospective foster-parents a card which they must sign and return when they decide to take the child.

The foster-parents are required to send the child to school and to give him religious instruction and instruction in a trade. The public relief committee sees that the child attends school at least until the age of 14. It also has the authority to withdraw a child from the home, when necessary, before the age of 21. The members of the committee are usually the legal guardians of children placed in foster-homes.

The children are visited, at least four times a year, by inspectors, men or women, who after each visit submit a detailed report to the member of the public relief committee who was appointed the child's guardian. When the foster-parents fail to fulfil their duties properly, the committee takes the child away and places it in an institution. It is reported, however, that such a step is very rarely needed.

The foster-parents receive no payment for the care of the children placed by the public relief authorities.

4. PLACING OF WAR ORPHANS AND ORPHANS OF VICTIMS OF INDUSTRIAL ACCIDENTS

The National Organisation for the Care of War Orphans (Œuvre nationale des Orphelins de Guerre), established by the Law of 1919, has as its purpose to exercise supervision over the care of children who lost their fathers or breadwinners during or as a result of the world war. The Organisation is to be closed as soon as there ceases to be a need for it, and not later than December 31st, 1939. Another Government agency, the National Organisation for the Care of Orphans of Victims of Industrial Accidents (Œuvre nationale des Orphelins des Victimes du Travail), which is a permanent agency established by a Law of 1931, takes care of children who lost their fathers or breadwinners as a result of industrial accidents. Financial aid is limited by law to cases in which the family resources are insufficient.

In addition to supervising the welfare of these orphans, both organisations are required by the above-mentioned Laws of 1919 (Article 4) and 1931 (Articles 3 and 4) to arrange, when necessary, for the placing of children in foster-homes, to observe the care of children so placed, their education and particularly their vocational training; to appoint paid or voluntary visitors, and to see that they fulfil their duties, one of which is to advise the foster-parents.

(a) *Selection of Foster-homes.*

As far as possible, the children are placed with relatives or friends, and only in cases of absolute necessity with strangers. A preliminary investigation of the foster-home is made by the authorities, and the child is placed there only when the home is clean and wholesome and the foster-parents are in good physical and mental health and have good moral habits. Although no written contract is made, there is a verbal agreement between the foster-parents, the public authorities placing the child, and the child's legal representative. The foster relationship may be ended at any time, upon notice from either party.

The cost of maintaining and educating the child in the foster-family is met mainly by the pension due to the child because

of his fathers' death in the war or as the result of an industrial accident. If this is not sufficient, the Organisation for the Care of War Orphans or the Organisation for the Care of Orphans of Victims of Industrial Accidents pays the balance.

(b) Duties of Foster-parents : Duration of Foster-care.

The foster-parents are required to see that the child attends school until the age of 14, as required by law, and that he receives the vocational instruction called for by the agreement with the agency which placed the child.

There is no minimum age for placing a child in a foster-home; the placement lasts until its purpose is achieved; it usually ends when the orphan, having completed his vocational training, is able to earn his living. The agency placing the child is alone authorised to decide as to the length of the period for which the child is placed out.

As a general policy, the authorities prefer to leave children in their own families. As a result, less than 4% of the children are placed in foster-homes.

(c) Visitors : their Selection and their Duties.

The Organisation for the Care of Orphans of Victims of Industrial Accidents works through provincial and local committees, which appoint visitors for the children under the care of the Organisation. The visitors are chosen for their education, experience and moral qualifications, preferably among persons living in the same locality. The visitors are not allowed to take the place of the child's mother or legal representative, but must aid with advice and must "comfort the child with their solicitude". The visitors watch over the enforcement of the child welfare laws as applied to the foster-children, and supervise the care given to these children. Women are preferred as visitors when the children are young, or when there are special reasons for appointing women. Only a small number of children is assigned to each visitor.

Irregularities must be reported by the visitor without delay to the authorities, who are required to take the necessary measures. The visitors are not paid for their work. The regulations provide

for the dismissal of a visitor who fails to fulfil his duties regularly, or who abuses his authority in order to influence the child or his legal guardian in a manner contrary to law.

The local committee is required to arrange, at least once in six months, meetings for the visitors of its territory. At these meetings, instructions to the visitors are discussed, questions as to their work are answered, special cases are examined and methods of unifying the work are proposed.

According to Article 39 of the regulations for the administration of the Law of 1931 on the care of orphans of victims of industrial accidents, every local committee is required to send to the administrative council of the national organisation a list of the visitors in its locality, with the names of the families under the care of each visitor; subsequent changes in the list must be reported within a month. Every case of placing in a foster-family or institution must be approved by the administrative council of the national organisation, but, in cases of emergency, the provincial committee may act on its own authority.

The work of the local and provincial committees and of the visitors is supervised by a staff of inspectors under the supervision of the administrative council of the national organisation.

5. PLACING OF CHILDREN IN FOSTER-HOMES BY THE JUVENILE COURT (NEGLECTED AND DELINQUENT CHILDREN)

In accordance with the Child Welfare Law of 1912 (Article 13-17), children under 18 who are found begging or roving, even if they are not habitual beggars or vagrants, children under 16 who engage in prostitution, debauchery or habitual gambling, or who because of their bad conduct are a cause of serious concern to their parents or guardians, or children accused of minor violations of the law, may be placed by the juvenile court in foster-homes.

Placing in a foster-home is used in the less serious cases of waywardness, delinquency or neglect, when the children cannot be left with their families. Sometimes children discharged from institutions are also placed in foster-homes, when their conduct has improved, but they cannot yet be returned to their families.

The foster-homes are supervised by probation officers, inspectors of the Department of Justice, and members of welfare committees and guardianship councils.

Although the foster-home placing of juvenile court cases is not organised in accordance with definite regulations, the Ministry of Justice has recommended to the judges the placing of children in foster-homes rather than institutions.

When the judge has any doubt as to the physical or mental condition of a child brought before the court, he commits him to a special observation centre at Moll. Since 1914, children, after a period of observation at the centre, have been placed in foster-homes, usually those of farmers and rural artisans. A child must be 12 years old before it is so placed out.

The foster-family signs a contract with the authorities by which it undertakes to give the child food, lodging and a part of his clothing—the rest of the clothing is supplied by the observation centre—and all physical and moral care needed for the child's upbringing, whether he is ill or well. The contract stipulates that the child is to be used by the foster-parents only for specified kinds of work; he may not be required to work on Sundays or holidays, except in case of necessity; he must be given time to attend religious services. The child or young person is paid a specified monthly sum for his work. A small part of it is given to the child as pocket-money. The rest is deposited partly with a Government savings bank and partly with the old-age pension fund. An account must be kept of the child's savings.

The use of the money earned by a child or young person placed out by the judge of the juvenile court is determined by the judge. If all or part of this money is deposited in a savings bank, the judge or the Minister of Justice, as the case may be, may forbid the child or young person to draw out the money before the age of 25 years without special permission (Article 40 of the Child Welfare Law of 1912).

The contract also specifies that the foster-child must be given the same care as the foster-parents' own child. The foster-parents are required to send the child to primary school in accordance with the law, and later to provide vocational training.

The State pays for the child's care as long as the child does not earn his board by his work, and if his legal guardian is unable to pay. The amount of pay is determined by the judge ordering the placement.

A child remains in the foster-family until he can be returned to his own family, or until some other arrangement can be made for him. The decision is made by the judge of the juvenile court.

The foster-children are under the supervision of the institution to which they were committed by the juvenile court before they came to the foster-home. If a foster-family neglects or abuses a child, the child is taken away and no other children are placed there. In serious cases, a legal penalty is imposed.

The juvenile court reports the placing of individual children to the Minister of Justice, to whom annual reports must also be made. The foster-homes are inspected by agents of the Ministry of Justice (Articles 88 and 89 of the Child Welfare Law of 1912). According to recent information, such inspectors are sent by the Minister at irregular intervals.

6. PRIVATE AND SEMI-OFFICIAL CHILD-PLACING AGENCIES

La Bonne Famille,¹ with its headquarters in Liège, can be mentioned among the private child-placing agencies. This society keeps a register of families in which it places children referred to it by juvenile courts, by public relief committees and by public and private child welfare organisations and private individuals. It places only children over 3 years of age.

The foster-families are selected mainly from the better situated working-class, lower middle class and farmers. Most of the children are placed by this society in cities or on the outskirts of cities. This is considered preferable to rural placing because of the greater opportunity for vocational instruction. However, in the last few years, increasing numbers of children have been placed with farmers, and with good results, although it is stated that the majority of young people prefer to be apprenticed to an artisan in the city.

¹ "The Good Family."

At the time of placing, a contract is made between the foster-family and La Bonne Famille. The foster-family undertakes to see that the child receives religious instruction, that he attends school, and that he is later given vocational training appropriate to his abilities.

The society's agents, who are volunteers, supervise the children placed out by the society. They visit the foster-home without warning, examine the condition of the home and enquire into the food given to the child, his state of health and his progress in school.

An immediate report on the visit must be added to the child's record, which also includes a history of his physical and moral development. Copies of these reports are sent every two weeks to the director of the society. These records are said to constitute a real history of the placed-out children from the age of 3 until 21.

The maintenance of the children placed out by the society at the request of public authorities, such as public relief committees or juvenile courts, is paid for by these authorities. If parents themselves entrust their children to the society for placing out, whether because of the breaking up of the home or because they are employed at a great distance, individual arrangements as to payment are made. The parents, however, rarely make their payments regularly. Sometimes La Bonne Famille makes a considerable reduction in the rate of payment, or declines to take payment. This is usually followed by such a large number of requests for placing children that the society is compelled to raise again the rate of payment from parents.

7. ROYAL WELFARE COMMITTEES

The Royal Welfare Committees (Commission Royale des Patronages de Belgique) established by Royal Decree of March 15th, 1894, in addition to welfare work with specified categories of adults, is also active in the placing of morally neglected children—that is, children who, although their parents neglect to give them proper care and bringing up, are still not deprived of parental authority. Such children are in moral danger and may become professional criminals. To prevent this serious danger

to society, the Royal Welfare Committees take care of these children through their local committees.

The local committees or their representatives find foster-families for the children. If no suitable family is found, the child is placed in an institution. One of the local committees, that of Verviers, in order to supply the deficiency in foster-homes, has established artificial families by placing a childless widow in a house and putting several children into her care. A voluntary woman worker supervises these families.

The Committee pays out of its own resources for the care of the children, but it is subsidised by the Government to the extent of 2 francs per day per child; the number of children for whom aid is given is limited, however, to a specified percentage of the local population.

8. NATURE OF VISITING PERSONNEL

The National Organisation for Child Welfare employs public-health nurses for visiting the homes; some of these nurses have, in addition, training in social service. The public relief committee and the juvenile court mostly employ trained social workers. The visitors sent by private agencies are sometimes trained social workers, but often they are untrained voluntary workers. In recent years, however, there has been an increasing tendency to require training for social service.

There are at present eight schools of social service in Belgium. The organisation of the schools is regulated by a Royal Decree of June 11th, 1935; the schools are both subsidised and supervised by the Government. Applicants for admission must be at least 18 years old on January 1st following admission, must have good health and must prove by an examination that they have sufficient education to follow the course and an aptitude for social service.

The course lasts two years. Instruction is both theoretical and practical: During the first year, lectures are given on public law and civil law as related to social service, political economy, social science, labour legislation, hygiene and other subjects. Every student must visit fifty social service agencies during the first year. During the second year, the student receives the

preparation for a selected branch of social service; child welfare work is one of these branches.

During a third year, the student must (a) undergo two months of practical instruction if this was not taken in the second year, and do eight months of professional or social work under the guidance of the school he has attended; (b) compose a personal record of social observations within the special field selected. The student is questioned on this at the third-year examination. An examination must be taken at the end of the course; a diploma is given by the Government, after the third year, to those passing it.

UNITED KINGDOM

1. HISTORICAL

The origins of boarding-out as a method of dealing with orphan and destitute children in the United Kingdom are buried in the past, but its use by public authorities, though to some extent anticipated by the apprenticeship provisions of the Elizabethan Poor Law, dates from the nineteenth century. In Scotland, it was for centuries the practice of the Church to board out destitute children, and, since 1845, the date of the principal Scottish Poor Law Act, boarding-out has been a prominent feature of Scottish poor law administration. The Act of 1845 gave no specific authority for the boarding-out of children apart from the general duty laid on poor law authorities to relieve destitution, but the boarding-out system developed naturally from the earlier practice of the Church. It was not until 1934 that it received express statutory recognition.

In England, the first order regularising the boarding-out of children by the poor law authorities was made in 1870, but an enquiry in 1869 had shown that it was already being practised by twenty-one out of over 630 authorities, and 347 children were at the time boarded out. The chief concern of the central authority (then the Poor Law Board) was to ensure that the provision for the boarded-out child was satisfactory and that there was adequate supervision; and at first it maintained an attitude of neutrality towards the system. The latter, however, gradually gained ground until it became, as in Scotland, a permanent

feature of poor law administration. In 1898, the President of the Local Government Board expressed in Parliament his approval which was unqualified except for the condition that there should be adequate and effective inspection. The extent to which the system was adopted is shown by the growth of the number of children boarded out. By the beginning of 1906, for example, they totalled 8,781, or one-seventh of those in institutions.

The other main class of boarded-out children is the delinquent and neglected. The method has been applied to this class to a limited extent since the Children Act of 1908, but its extended use for children brought before the courts is a recent development, due to the Children and Young Persons Act, 1933,¹ which empowered the juvenile courts to commit children and young persons to the care of the local authorities with a view to boarding-out. There was an interesting anticipation of this provision as early as 1840, when, despite vigorous opposition from the champions of parental rights, an "Act for the Care and Education of Infants who may be committed for Felony" gave the High Court power to assign the care of such an infant, up to the age of 21, to any person willing to take care of him. This Act, however, proved inoperative owing to the lack of suitable guardians, and though later legislation dealing with cruelty to children enabled the child to be placed in the care of a relative or other fit person, it was not until 1908 that the principle was again invoked in dealing with offenders. Under that Act, the managers of an industrial school to which very young children were sent, were authorised to board them out with the consent of the Secretary of State, and there was power to commit children and young persons to the care of private persons. As experience showed that the method was not used as freely as was desirable, it was decided to transfer the duties connected with boarding-out to the local authorities. This was effected by the Act of 1933 and, as a result of this Act, boarding-out both of young offenders and of children and young persons "in need of care or protection" is rapidly increasing.²

¹ In Scotland, the Children and Young Persons (Scotland) Act, 1932, which, together with other Acts relating to children, is now consolidated in the Children and Young Persons (Scotland) Act, 1937.

² In Scotland, the number of care and protection cases committed to the

More recently, a scheme has been initiated by the Home Office so as to apply the system of boarding-out, either for short or longer periods, to the treatment of young offenders who have left school and are at work. Reference will be made to this scheme later in this report.

Other developments, which need not be described in detail, have been the use of boarding-out in certain circumstances for the restricted and special category of children suffering from physical or mental defect, and the important work, now practically at an end, which has been done by the Ministry of Pensions for children benefiting from pensions awarded as a result of disability to or loss of their parents in the great war. The State has also intervened in a series of Acts beginning in 1872 for the protection of children placed with foster-parents for reward by private persons or organisations. The effect of this legislation is described later.

2. THE EXTENT OF BOARDING-OUT

Boarding-out under the public assistance authorities accounts for the majority of children boarded out by public authorities in the United Kingdom, but the number dealt with as a result of appearance before the juvenile courts is increasing. There were 6,896 of the former in England and Wales on January 1st, 1937; in Scotland, the proportion of children boarded out under the poor law is considerably greater and, on May 15th, 1937, the latest date for which figures are available, there were 6,809. No figures are available as to the total boarded out under the Children and Young Persons Act, 1933, but, in the three years 1934-1936 respectively 354, 490 and 822 orders of committal to the care of a fit person were made in England and Wales. The large majority of the 1,666 children so dealt with were committed to the local authority's care, and since a fit-person order extends until the age of 18 years unless previously terminated, all but a few of the orders will still be in force. Irrespective, therefore, of whether, as is anticipated, the present tendency of the courts

care of fit persons rose sharply after the 1932 Act came into force but is now stable. Only a few offenders are boarded out. The number in the year ended June 30th, 1937, was three.

to make increasing use of boarding-out continues, the aggregate of children boarded out under these provisions is bound to rise, since most of them are still young. In Scotland, 262 children and young persons had been committed to the care of the local education authorities by the courts from November 1933 to August 1937.

The number of defective children boarded out under the special provisions mentioned above¹ is unimportant. The third main category is that of children privately boarded out. All such children, if under 9 years of age, must be notified by the foster-parent to the local authority for maternity and child welfare before the child is received. It is the duty of the authority to see that all such children are in fact notified and to keep them under regular inspection. As a rule, the health visitors, who are responsible for the maternity and child welfare work in the area, are the inspectors and these, in their turn, are under the general supervision of the Ministry of Health, whose trained nurse inspectors visit the children from time to time with the health visitors.

The responsible authority may fix the maximum number of children to be kept by any foster-mother and can remove any child found to be kept in unsuitable premises or by unsuitable persons.

This boarding-out by private persons is more likely to be a source of danger than that carried out by public authorities. It is more difficult to find suitable foster-parents, for there is no guarantee that payment will be made regularly, and there are too many children who are abandoned altogether by their mothers. The foster-mother is then faced by the alternative of keeping the child, of whom she has probably become fond, without any payment, or of giving it up to the poor law authority. One large municipality has established a system by which the town council guarantees the payment to the foster-mothers and reclaims what it can get from the relatives, but this arrangement needs most careful organisation and has the obvious danger that the relatives have less incentive to keep up their payment or, indeed, their connection with the children.

¹ The Education Act, 1921, in England; and, in Scotland, the Education of the Blind and Deaf Mutes (Scotland) Act, 1890.

As stated above, the authority can remove a child from an unsuitable home, but it is often difficult to find another foster-mother who is suitable and also willing to take the child.

Statistics as to these nurse children are supplied by the local authorities annually to the Ministry of Health. The total number on their registers, for the latest date for which figures are available, was approximately 18,000.¹

The picture would not be complete without reference to adoption, which is analogous to boarding-out. In England and Wales, there has been a system of legal adoption since 1926, and, in Scotland, since 1930, and the number of adoption orders is rising steadily year by year. In 1936, the latest year for which figures are available, more than 5,000 orders were made in England and Wales and more than 700 in Scotland. In addition, there are an unknown number of informal adoptions.

The remainder of this survey will be restricted to boarding-out by the public assistance authorities and as a result of orders by the juvenile courts.

3. THE LAW RELATING TO BOARDING-OUT

(a) *Boarding-out by Public Assistance Authorities.*

Under the Poor Law Act, 1930, which applies to England and Wales, boarding-out by public assistance authorities is limited to the following cases :

(i) An orphan child : When applied to a legitimate child, this means a child, both of whose parents are dead, or one of whose parents is dead, the other being incapable of acting as a parent; when applied to an illegitimate child, it means a child whose mother is dead.

(ii) A deserted child : When applied to a legitimate child, this means a child deserted by both parents or deserted by one parent, the other being dead or incapable of acting as a

¹ The relevant statutes are, in England and Wales, the Public Health Act, 1936, and the Public Health (London) Act, 1936; and, in Scotland, the Children and Young Persons (Scotland) Act, 1937. The number of such children on the registers of local authorities in Scotland on May 15th, 1937, was 2,411.

parent, or a child, both of whose parents are incapable of acting as parents; when applied to an illegitimate child, it means a child deserted by its mother, or a child whose mother is incapable of acting as a parent.¹

(iii) A child in respect of whom the powers and rights of a parent or guardian are vested in a public assistance authority under Section 52 of the Poor Law Act, 1930, which provides that the authority may "adopt" a child up to the age of 18 in the following circumstances—where:

(a) The child has been deserted by his parents; or

(b) The council is of opinion that, by reason of mental deficiency, or of vicious habits or mode of life, a parent of the child is unfit to have the control of the child; or

(c) A parent of the child is unable to perform his or her parental duties by reason of being under sentence of penal servitude or of being detained under the Inebriates Act, 1898; or

(d) A parent of the child has been sentenced to imprisonment in respect of any offence against any of his or her children; or

(e) A parent of the child is permanently bedridden or is disabled and is an inmate of a workhouse, and consents to the "adoption"; or

(f) Both the parents are dead, or in the case of an illegitimate child, the mother is dead.

Under the English poor law, children cease to be boarded out under the regulations at 16 (15 in Northern Ireland). In the special case of children "adopted" by the authority (see above), boarding-out may continue up to 18 years of age. The local authority which is responsible for the child's maintenance decides, subject to the above age-limit, whether it shall continue to be boarded out.

Boarding-out under the poor law is thus a matter for administrative decision, but, as will be observed, its use is strictly

¹ A parent shall be deemed to be incapable of acting as a parent if he is under sentence of penal servitude, or suffering permanently from mental disease, or is permanently bedridden or disabled and an inmate of an institution or hospital, or is out of England.

limited by law to cases where there are no parents living or the parents are unable or unfit to exercise their parental duties. It is not, therefore, available for all children in the care of the authorities. As regards (iii), a right of appeal to a court of summary jurisdiction against the decision of the local authority is available as a safeguard against arbitrary action.

Somewhat similar categories of children may be boarded out by public assistance authorities in Scotland¹ and Northern Ireland.

(b) *Boarding-out in Juvenile Court Cases.*

Under the Children and Young Persons Act, 1933, and the Children and Young Persons (Scotland) Act, 1937, juvenile courts have power to commit to the care of a "fit person" with a view to boarding-out in the following main cases :

(a) Children and young persons found guilty of an offence punishable in the case of an adult with imprisonment;

(b) Children and young persons who need care or protection by reason of lack of proper guardianship, bad associations, exposure to moral danger, being beyond control, or having been the victim or otherwise involved in a sexual offence.

It is further provided that a child under 10 years of age shall not be sent to an approved school² unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, the court is satisfied that he cannot suitably be dealt with otherwise. The Act thus contemplates that boarding-out shall be the normal method for young children where removal from home is necessary, but the power is available up to the age of 17, which is the maximum age to which the jurisdiction of the juvenile courts extends.

¹ The provision in the Poor Law (Scotland) Act, 1934, authorising boarding-out refers to "children under the age of 16 years who are orphans or who have been deserted by, or are separated from, their parents".

² *Approved schools* are institutions for the training of young people ordinarily between 10 and 17 on admission, which have received a certificate from the Secretary of State approving them for this purpose (see document C.1(1).M.1(1).1934.IV, pages 67 and 68).

The "fit person" may either be a local authority or a relative or other suitable private individual, but, in both cases, the consent of the "fit person" to act is required.

Children so dealt with remain in the care of the "fit person" until the age of 18, unless discharged earlier by order of a court or the Secretary of State; or, in Scotland, in the case of a committal to the care of an education authority, by order of the Scottish Education Department.

Under the Probation of Offenders Act, 1907, a person found guilty of an offence can be placed under the supervision of a probation officer with a condition of residence—that is to say, he can be required to live for a fixed period at an address fixed by the court. This provision enables boarding-out to be used as a method of treatment in suitable cases under this Act.

4. THE SYSTEM OF ADMINISTRATION

The main differences between the two systems are differences of procedure, which is, in the one case, administrative, and, in the other, depends upon the decision of a court. In both, however, the objects are similar, the provision of foster-parents for children who lack proper parental care but do not need institutional treatment; and there is also a close similarity of method. The following remarks are applicable to both systems, except where otherwise stated.

(a) *Central Authority.*

In England and Wales, the central authority for public assistance is the Ministry of Health, and that for juvenile court cases the Home Office, which is responsible for the administration of the approved schools, probation, etc. In Scotland, the central authorities are respectively the Scottish Department of Health for poor law matters and the Scottish Office and the Scottish Education Department for juvenile court cases.

Central control is exercised through the power to make regulations¹ as to the manner in which the work of the local authorities

¹ The relevant regulations are, in England and Wales, Part VI of the Public Assistance Order, 1930, and the Children and Young Persons (Boarding-out) Rules, 1933; and, in Scotland, the Poor Relief Regulations (Scotland), 1934, and part C of the Children and Young Persons (Scotland) Care and Training Regulations, 1933.

is to be carried out, and through the power of inspection. Advice is also given by the central departments through their inspectors and by means of circulars, etc. The Home Office, for example, has recently issued to the summary courts in England and Wales as well as to local authorities, circulars drawing attention to the advantages of boarding-out and urging the greater use of this method in suitable cases. The Scottish Education Department has issued model rules for the guidance of local education authorities in framing rules to be observed by foster-parents.

The Home Office pays half the approved expenditure on boarded-out children. In the case of the Ministry of Health, there is no direct grant, but a comprehensive block grant, covering different local government services, including public assistance, is made. There are similar arrangements in Scotland.

(b) *Local Authority.*

Under both systems, the actual work of boarding-out (except in cases under the Probation of Offenders Act, where the probation officer acts under the immediate direction of a court) is done by the local authorities within the general framework prescribed by the central authorities, and; though the work under the Children and Young Persons Act is normally the responsibility of the local education authority,¹ in practice, the education authorities, at any rate in England and Wales, frequently make use of the machinery of the public assistance authorities. In some cases—*e.g.*, London—the responsibility for detailed supervision of the work under both is delegated to the Education Committee.

In England, the public assistance authority is required to delegate the immediate responsibility for the choice of foster-homes and for visiting and exercising supervision over them to boarding-out committees. The children must be regularly

¹ In England and Wales, the local education authority is usually the council of the county or county borough, which is also the public assistance authority, but there are also a number of minor education authorities with no duties in connection with public assistance.

In Scotland, the functions of public assistance are exercised by those councils which are education authorities (*i.e.*, the county councils and the town councils of the four chief cities), and also by certain town councils which are not education authorities.

visited, and most of the authorities employ paid "visitors", who are generally women. The committee and the visitors must keep records and furnish reports on every case. There are, of course, considerable local variations in the administrative machinery. In some of the more progressive areas, a qualified and specialised staff of officials is employed and there is an efficient system of devolution to local sub-committees, which report to the main committee. In Scotland, the local authorities work directly through their own inspectors. Close control is exercised over the foster-parents, and detailed instructions are given them.

The cost of maintenance and education and of medical care and treatment is borne by the local authority. As has been explained, part of this expenditure is met by direct and indirect contributions by the central authority. Parental contributions are required wherever they can reasonably be obtained.

5. THE CHOICE AND SUPERVISION OF FOSTER-HOMES

The success of boarding-out depends pre-eminently on the right choice of the foster-home, which should be adapted to the needs of the particular case. General conditions—*e.g.*, as to the character and circumstances of the foster-parents—are laid down in the rules made by the central departments, but the important task of selecting from available foster-homes the one which is most suitable for an individual child necessarily falls to the local authority.

The underlying principle in the boarding-out system is that the child shall be brought up as a member of the foster-parents' own family. In a circular letter addressed to local authorities on June 29th, 1931, the Department of Health for Scotland summarised the chief factors upon which success depends as follows :

- (a) The care and judgment with which the choice of foster-parents is made;
- (b) Limitation of the number of children boarded out in each dwelling or with each guardian;
- (c) Limitation of the number of children boarded out in each area;
- (d) Thorough inspection and supervision.

In choosing the foster-home, special consideration is given to the following matters :

(i) *Premises and furnishing* : When the home is visited, the accommodation is specifically reported on. In Northern Ireland, the form of report is specially appropriate to simple agricultural homes, and practical questions are asked as to, *inter alia*, the supply of drinking-water, proximity of the farmyard and its animals to the house, sanitation, distance from school, etc.

(ii) *Limitation of the number of children* : Children may not be boarded out in houses where the prospective foster-parents have more than four children of their own, nor may more than two public assistance children be placed in the same foster-home unless they are brothers and sisters. Normal children are not placed in homes where mental defectives are received. In Scotland, special attention is given to not placing too many children in the same area.

In Scotland, public assistance children may not be boarded out in homes where the foster-parents have more than three children of their own, and not more than three public assistance children may be placed in the same home unless they are brothers and sisters. In juvenile court cases, the regulations provide that not more than two children shall be boarded out or remain boarded out in any one foster-home at the same time unless they are the members of one family whom it is desirable to keep together.

(iii) *Character and circumstances of foster-parents* : Apart from general qualifications such as kindness, common-sense and good home conditions, certain special qualifications are prescribed. The foster-parent must be of the same religion as the child; homes may not be chosen where payment for boarded-out children is the sole means of livelihood and foster-parents must not ordinarily be in receipt of public assistance themselves; they must not have been convicted of an offence rendering them unfit for their duties; the home must not be one where intoxicating liquors are sold; the child may not be insured so that the foster-parents will benefit by its death. A boarded-out child is not allowed to engage in street trading.

No difference is made between public assistance and juvenile court cases as regards the districts in which children are boarded out and the families with whom they are placed. They are chiefly boarded out in the homes of artisans and more frequently in the country and the smaller towns than in large towns, though practice varies to some extent among local authorities and according to the requirements of the child. Where some special need is present, as for higher education or training, or for special education by reason of defect, care is taken to board the child out where there are the necessary facilities for this education. A local authority may make arrangements for children to be boarded out outside its own area.

In Scotland, the guardians (or foster-parents) are often crofters or small farmers in the highlands and the north-eastern area, but other guardians include factory workers and farm labourers, and children are also placed with widows. Children are normally placed in country districts, boarding-out in large towns or industrial areas not being favoured. The Scottish Education Department and the Department of Health for Scotland, after consultation together, may restrict the boarding of children in any particular area.

In England, the foster-parent is required to sign in duplicate a written undertaking in respect of the child, one copy being retained by him. That prescribed by the Ministry of Health for public assistance cases may be regarded as typical. In this, the foster-parent undertakes to bring the child up as one of his own, to provide him with proper food and lodging, to endeavour to train him in habits of honesty, obedience, personal cleanliness and industry, to take care that the child duly attends school and the church of the child's religious creed, to report any illness and to permit the child to be examined and the home to be inspected at any time by the proper authorities. Space is left on the undertaking for other requirements to be agreed upon.

In Scotland, no formal undertaking or agreement is entered into between the public assistance authority and the guardian. There is merely an arrangement to pay the guardian a certain weekly sum for maintaining and bringing up the child. Authorities are required to have "Rules for Guardians" and a copy of the rules is furnished to the guardian when the child is boarded out.

Education authorities are required to make rules to be observed by foster-parents. The foster-parent is bound to send the child to school under the ordinary educational system of the country (which provides for compulsory school attendance up to 14 years of age), and to bring him up in accordance with his own religious creed. Boarded-out children as a rule attend the public elementary school in the district in which they are boarded out, the cost being borne by the local education authority of the district, and in this way the children are eligible for the ordinary scholarships to secondary or technical schools. In the records of the boarding-out committees of many local authorities, notably in Scotland, there are a number of instances of children graduating at the universities and preparing themselves for professional careers.

The boarding-out committee often requires the foster-parents to report specially on the child's aptitudes with a view to arranging for special training, and there is sometimes, among the rules for foster-parents in Scotland, a stipulation that care must be taken to see that a child does his homework lessons under proper conditions.

Visits and letters from the child's own parents are permitted at the discretion of the authority unless it is satisfied that it would not be in the child's interests to allow them.

(a) *Supervision of Boarded-out Children.*

No child chargeable to an English public assistance authority may be boarded out, except under the care of a boarding-out committee, whose membership must include three women and whose function it is to exercise regular supervision over children boarded out under their care. The foster-home must be visited at least once in six weeks. In some of the country districts, the work of inspection is left to the members of the committee. Some local authorities have appointed children's officers whose duties include, *inter alia*, the supervision of the arrangements for the inspection of boarded-out children, and the information in the possession of the Ministry of Health shows that, on the whole, this system has worked well. It is the duty of the visitor to see that the regulations are carried out, to make a report in

writing as to the behaviour and welfare of the child, as to his clothing and sleeping accommodation, and on his progress generally, and to report any complaint made by or concerning him.

In Scotland, close supervision is exercised through periodical visits by the inspectors of the authority and also by members of the public assistance committee itself, who are required to report to the local authorities on the condition of the home and of the child. If a child is boarded out in an area other than that to which he belongs, this will be supplemented by the supervision of a responsible person in that district—*e.g.*, local schoolmaster, minister or poor law official. The "Visiting Book for Boarded-out Children" which is used with local variations by inspectors of the public assistance committees in Scotland contains simple forms for entering the reports of each visit and certain rules for the "guardian" or foster-parent. The visitors may check up the child's progress by enquiry of the local schoolmaster.

Arrangements are always made for medical attendance, and the foster-parent is required to send immediately for the doctor in case of illness, and to report the fact to the authority. In addition, all children are subject to the ordinary medical examination at elementary and secondary schools.

The work of the boarding-out committees and their visitors is from time to time inspected and generally supervised by the trained women inspectors appointed by the Minister of Health in England and by the Department of Health in Scotland, who may also visit the child in the foster-home. The Department of Health for Scotland has appointed a woman inspector of boarded-out children, who is a trained nurse with considerable experience of child welfare work.

(b) *Juvenile Court Cases.*

In England and Wales, local authorities are required to make arrangements for children committed to their care by juvenile courts to be visited within a month of being boarded out and subsequently at least once a quarter. Where a number of children are boarded out, the local authority is required to set up a boarding-out committee of at least three persons, one or more being a woman, with the duty of visiting and supervising the

foster-children. A medical officer must supply a medical certificate as to a child's suitability, mentally and physically, for boarding-out before this can be done. Foster-children may also be visited by inspectors of the Children's Branch of the Home Office.

In Scotland, there are more detailed rules providing, over and above the normal school medical inspection, that medical officers of the education authority shall visit boarded-out children in their foster-homes every six months. The authority must also arrange for all medical and dental care and must give the foster-parent the name of a doctor in the locality who is to be called in in the case of illness.

Mention has already been made of the plan recently initiated by the Home Office to encourage the use of boarding-out as a method of dealing with young offenders who have left school and do not need training in an institution. In a circular issued to Justices in December 1937, the Secretary of State drew their attention to the advantage of placing in lodgings or in a family as a method of treatment. The following is an extract from this circular :

"From the enquiries which the Secretary of State has made, he has reason to believe that there are many persons under 21 brought before the courts as offenders who do not need institutional treatment and who could be properly dealt with under the probation system if they could be placed for a time in lodgings where they would have a decent bed, wholesome food and a kindly welcome, while remaining under the supervision of the probation officer. Their difficulties are frequently due to indifferent home surroundings and bad companionship. If regular work can be found for them and they can be placed for a time in good lodgings under supervision, a remedy may be found without resorting to institutional treatment and it may even save them from imprisonment.

"Similarly, the system of boarding-out in family life which is now carried out in respect of the younger children who are committed under the provisions of the Children and Young Persons Act, 1933, to the care of a local authority as fit

person is, the Secretary of State believes, capable of extension to older children and to young persons. Where a child or young person is brought before a juvenile court as an offender or as needing care or protection and is found to have an unsatisfactory home, placing in another family may be more satisfactory than institutional treatment."

In a later circular sent by the Home Office to local authorities in March 1938, it is pointed out that "the relations between the foster-parents and a boy or girl who has left school must inevitably at the outset be different from those which exist between the foster-parents and a child whom they have received at a much earlier age, but it is being found in different areas that there are reliable foster-parents who are willing to take into their households boys or girls of 14 and over and to treat them more or less as members of the family. Again, it has been shown that where reliable foster-parents can be found, willing to take the trouble of looking after and controlling a boy or girl who has shown signs of waywardness, the individual care which can thus be given and the more personal influence which can be exerted are likely, in suitable cases, to exercise the necessary steady effect on character."

(c) *General.*

If a foster-parent is negligent or guilty of abuse in the discharge of his duties, the foster-child may in all cases and at any time be removed by the authority. Where the neglect is grave enough to constitute a criminal offence, proceedings would be taken under the law.

The system in Scotland, being more centralised in control, is particularly effective in preventing abuse, as if the visiting officials are not satisfied with the manner in which a guardian's duties are performed or with the home generally, the child is removed, intimation is made to the Department of Health, and the reason for removal is noted on a central register of boarded-out children; in the event of another authority preparing to board out a child in the same home, the previous removal would be made known to them, and, unless circumstances had changed, the child would not be allowed to be placed there.

Thus a guardian, once neglectful, is seldom again entrusted with the care of a child from any area. If any child has been so neglected or ill-treated as to cause unnecessary suffering or injury to health, the guardian may be prosecuted and may be fined or imprisoned. A person may be so convicted even though the action of some other person obviated actual suffering. Relatively few cases of unsatisfactory guardianship have, however, come to the notice of the Department of Health in Scotland.

6. RESULTS OF BOARDING-OUT

There is no statistical information as to the advantages of boarding-out as compared with placing in an institution, but the experience of certain local authorities who have used it freely shows that it is on the whole very successful. In Scotland, few poor law children are placed in institutions as compared with those boarded out in families.

Amongst the advantages which are claimed for boarding-out are that it provides a more normal or natural life than an institution and is more conducive to the development of independence and initiative. It is reported from Northern Ireland that it is generally agreed that the more natural life is better for the child and that, from a foster-home, the child is more easily absorbed into ordinary employment.

In the absence of statistics, only general observations on the results of boarding-out are possible. Though an effort is usually made to keep in touch with boarded-out children after they have ceased to be under supervision, it is not generally practicable to keep trace of their subsequent careers. The known records would not necessarily be a true reflection of the system as a whole. The successful children may be known, and the failures may be revealed in later years when they apply for relief or are convicted by a court. The majority between these two extremes are absorbed into the general population and little is known of them. But the very fact that boarded-out cases are lost sight of in a few years after reaching the maximum age for relief or for supervision may be taken as an indication of the general success of the system in enabling these children to take their places as ordinary members of the community.

CZECHOSLOVAKIA ¹

1. HISTORY OF CHILD-PLACING

Supervision of children in foster-homes is known to have existed in the fifteenth century in Bohemia, which is now a part of Czechoslovakia. A private society in Prague, the capital of Bohemia, placed orphans, foundlings and deserted children in foster-homes, where it took care of them until the age of 15 years and often for five to six years longer while they were taught a trade. The age of the children cared for by that society was gradually reduced to 6 years at the end of the eighteenth or the beginning of the nineteenth century. Early in the twentieth century, child welfare societies extended their placing work to larger numbers of children and included older age groups. These societies watched over the children and paid for their board.

2. PLACING OF CHILDREN IN FOSTER-HOMES UNDER THE LAW OF 1921 AND REGULATIONS OF 1930

The placing of children in foster-homes is at present regulated in Czechoslovakia by a Law enacted in 1921, three years after the establishment of the Republic. The Law only became operative after the issue in 1930 of the regulations for its application in the provinces of Bohemia and Moravia-Silesia; in 1936, it was made applicable to the remaining two provinces, Slovakia and Sub-Carpathian Russia.

(a) *Scope of the Law.*

The Law applies to two categories of children under 14 : legitimate and illegitimate children committed to the care of persons other than their fathers or mothers; not only those in foster-homes, but also, those living with one or both parents.

The Law or Governmental Decree does not apply to children temporarily entrusted to the care of strangers for specific

¹ This summary was prepared by Mrs. Anna Kalet Smith, of the Children's Bureau, United States Department of Labor, Washington, D.C.

purposes, such as school attendance in a locality other than the parents' place of residence, holidays, hospital or clinical treatment, etc. The supervisory bureau may, if the circumstances are satisfactory, exempt children entrusted to the care of a guardian or relatives from such supervision.

The Law and Decree do not apply to children placed under public supervision coming under special laws—*e.g.*, Law No. 48/1931 of the *Collection of Laws and Decrees*, dealing with juvenile courts, or to children placed in the State Children's Homes in Slovakia and Sub-Carpathian Russia.

(b) *Official Permits : Conditions of Issue.*

A permit to take in a foster-child must be obtained in advance from the authorities supervising children in foster-homes.

The supervision of illegitimate children and of children entrusted to the care of strangers is carried out by the inspection bureau, that is, the district court which has jurisdiction in questions of guardianship, according to the child's permanent residence. This court may delegate such supervision to the district child welfare association.

No permit is necessary when the child is taken in by his legal guardian or by relatives with the permission of the guardianship authorities. If it is impossible to obtain a permit in advance, application must be made for it within fifteen days after the child is taken in. The application may be made orally or in writing.

A permit can only be issued to a person whose personal, family and financial circumstances, health and home offer a guarantee that he is able to fulfil the duties of a foster-parent properly and conscientiously. The prospective foster-parent must be of the same nationality and the same religion as the child. The law prohibits the granting of a permit to persons from whom proper education and care of the child cannot be expected, and particularly to the following persons :

- (i) Persons whose morals, or physical or mental condition, are such as to constitute a menace to the health or education of the child; or persons having in their homes relatives who constitute such a menace;

(ii) Persons without means of livelihood in receipt of public assistance;

(iii) Persons whose occupation makes it impossible for them to take proper care of the child;

(iv) Persons without a permanent residence or those whose living quarters are unhealthy and insufficiently roomy for the proper care of a child;

(v) Aged and feeble persons;

(vi) Persons who may be suspected of an intention to send the child to beg or work for wages, or who would exploit him in some other way.

Before a permit is given, all important circumstances must be properly ascertained. When the permit is issued, the foster-parent must sign a statement that he is familiar with his duties and that he undertakes to fulfil them properly. The permit may be withdrawn in the event of a change in the foster-parents' circumstances making proper care of the foster-child impossible, or if the foster-parent does not fulfil his duties.

The permit may also be withdrawn by the Inspection Bureau, even if supervision has been placed in the hands of the district child welfare association. If the guardianship court entrusts such supervision to the child welfare association, the latter will grant or withdraw the permit to take a foster-child.

(c) *Types of Foster-families.*

Most of the free foster-homes are found among members of the lower middle classes, such as clerks, store-keepers, farmers and lower-paid Government employees. Families of the more well-to-do classes are rarely willing to take a child into their homes. Paid foster-homes are found chiefly among the poorer classes, who appreciate the payment for the child's care as an addition to the family income. These are small farmers, storekeepers and manual workers, who constitute about 72% of all foster-parents. About two-thirds of the children are placed with farming families.

(d) *Duties of Foster-parents.*

The foster-parents are required to care for the foster-child in the same way as conscientious parents care for their own child, to give him a proper home upbringing and to supply all his needs, such as living-quarters, food, clothing and the necessary medicines when these are not supplied by the person who is legally required, or who has undertaken to do so. The foster-parents' duty to send foster-children to school is regulated by the laws on compulsory education. They must reply to the questions of visiting inspectors and follow their instructions. More particularly, they must at once report the taking-in of a child to the local inspector or supervisory authorities. They must also notify the authorities if they are no longer able or willing to continue taking care of the child, or if the child leaves their home for any reason, or dies.

Foster-parents must also notify any intention to move with the child to another locality. Upon so doing, they must notify the supervisory authority or the child welfare association to which the court has delegated its supervisory powers. Such notification must be made without undue delay and in any case within fifteen days.

If the foster-parents are paid from public sources, they are also required to comply with the child welfare regulations issued by the public child welfare authorities, or by the voluntary organisation.

If the foster-parents or parents of the illegitimate child are of the opinion that the inspector's orders are contrary to the law or are not in the best interests of the child, they may appeal to the local child welfare association to which the court has delegated its supervisory powers or to the authorities supervising children in foster-homes.

(e) *Supervisory Authorities.*

Local supervision over children in foster homes is exercised by the guardianship courts. These courts have the right to delegate the supervision of foster-children to a voluntary child welfare association which is willing to accept the responsibility and can be expected to discharge it satisfactorily.

These associations are semi-official organisations with branches throughout the country, and are called "District Child Welfare Associations". They are semi-official in that the public authorities are represented on their governing bodies and have the deciding vote, and in that they are entrusted with the traditional public work of child welfare. The protection of wards of the public assistance authorities, when no suitable guardian can be found, is entrusted by the court to general guardians, who may be either the competent administrative bodies or the child welfare association.

The law requiring the courts to entrust the supervision of illegitimate children and children in the care of strangers to general guardians, when such general guardians belong to the communal administration, applies only to a few large towns. Public guardians exist only in Slovakia and Sub-Carpathian Russia.

Should there be any doubt as to the child welfare association's ability adequately to perform the supervisory functions, or if the association is unwilling to take over such functions, or if there is no such association in the district, the inspection bureau, in consultation with the child welfare association of the province—shall appoint an auxiliary committee to take charge of supervision. Mention must also be made of the delegates of the district administrative committee. Only well qualified persons willing to act and engaged in social welfare work may be appointed to the committee, which must include a representative of the provincial child welfare association and of the district school authorities. So far as possible, the members of the committee must be local residents. They serve without pay. The committee is to be dissolved by the supervisory authority as soon as the circumstances for which it was created cease to exist.

The regulations for the application of the law on the placing of children in foster-homes provide that, when, in the same district, there are agencies for children of different nationalities, the work of supervision shall be entrusted to the agency of the nationality to which the child belongs.

The supervisory authorities are required to present annual reports to the Ministry of Justice. In these reports are to be included statements on co-operation received from other agencies

and criticisms of the system, with suggestions for its improvement. Copies of these reports are also to be sent to the Ministry of Social Welfare.

(f) Inspectors of Foster-homes : their Selection and Appointment.

For the immediate supervision of children in foster-homes, inspectors are appointed by the guardianship courts, or by the child welfare associations, if these have been entrusted with the supervision. In the latter case, the inspectors must be approved by the inspection bureau.

According to the regulations for the administration of the law on placing in foster-homes, only persons in good physical and mental health, of good morals, possessing the necessary ability, education and understanding and enjoying full civil rights may be appointed. Neither their occupations nor other personal circumstances must be allowed to interfere in any way with the effective fulfilment of their duties.

In Slovakia and in Sub-Carpathian Russia, in the selection of inspectors, preference is to be given to the public guardians and to the employees of child welfare associations, and to persons engaged in other kinds of social work. In Bohemia, Moravia and Silesia, the work is left to the professional guardians. Preference is also given to persons of the same nationality and the same religion as the children who are to be supervised and residing in the same locality.

Upon his appointment, the inspector takes an oath of office and receives credentials from the authorities. The appointment must be officially announced. The appointment may be terminated when it is considered necessary.

(g) Duties of Inspectors.

The duties of inspectors are as follows :

- (i) To keep a list of all children under their care with data on their personal circumstances, physical and mental development, and, in case of school-children, their school attendance and school work; also any other important facts brought to light during the periodic inspections.

(ii) To make families understand the nature of assistance given to deserted children, and to keep a record of all suitable people residing within their district who would be willing to take care of assisted children, so as to be able to make proposals for the issue of the necessary permits, as required.

(iii) To make themselves familiar with all legislation on child welfare and care of children placed in families and with other subjects, the knowledge of which would facilitate their work. Their supervisory authorities must help them in this respect.

(iv) To deal with all correspondence concerning their work, including all communications to the authorities supervising foster-children in the district.

The inspectors must maintain immediate and frequent contact with the children under their supervision in order to ascertain whether they are receiving proper care from the foster-parents.

For this purpose, the inspectors must visit the foster-homes and inspect the rooms of foster-children. They must see the children themselves and must obtain from the foster-parents information on their care, feeding and upbringing, their physical, mental and moral condition, and, if the children are still of school age, their school attendance, record and conduct. Such inspections must be made at least once a month.

The inspectors must conduct themselves in such a way as to obtain the confidence of both the foster-parents and the children. They must maintain strict secrecy about all family and personal circumstances which come to their attention during the visits to the homes. Information of this nature may be communicated only to their superiors and to other public authorities.

(b) *Methods of dealing with Irregularities.*

Should an inspector find that conditions in the foster-home are such as to interfere with the child's proper development, he must, as far as possible, give the foster-parents the necessary advice and help them to correct such conditions. If, however, his efforts are unsuccessful, he must report the case to the

guardianship court or to the child welfare association to which its supervisory powers have been delegated.

If an inspector finds that the foster-parents are not capable of giving proper care to the foster-child, or if, even after receiving a "warning", they fail to discharge their duties—that is, fail to take proper care of the child's health, or to send him to school; if they maltreat him or exploit him by sending him to work or to beg, or in other ways—he must present a detailed report and may recommend the child's removal. If the physical or moral well-being of the child is in immediate danger and there is reason to fear that the action of the supervisory authority may be too long delayed, the inspector may himself remove the child from the foster-home and place it in another home. The inspector is required, however, to report such action immediately to his superiors:

(i) *Periodic Meetings of Inspectors.*

The inspection bureau or child welfare association to which the supervisory powers have been delegated is required to call periodic meetings of the inspectors in their district to discuss methods of improving the care of foster-children. In cities in which several inspectors are employed, local meetings must from time to time be arranged on which one of the inspectors present is required to report.

(j) *Medical Supervision of Foster-children.*

Foster-children undergo regular medical examinations either at the child welfare consultation centres or at the hands of the municipal, district or State medical officers.

In accordance with the instructions concerning the medical inspection of foster-children and illegitimate children, published by the Ministry of Public Health and Physical Training in agreement with the Ministry of Social Welfare, such children must, up to the age of 2 years, undergo regular medical examination and supervision by the maternal and child welfare consultation centres which are controlled by the Ministry of Public Health. The child is registered at the centre not later than fourteen days after birth, or at the time when he first comes

under supervision. Such children are regularly taken to the consultation centre at least once every three months, unless otherwise decided by the consulting doctor.

Children between the ages of 2 and 6 years are registered at the same consultation centre, and must undergo quarterly medical examination. Older children, up to the age of 14, are similarly registered at the consultation centre and must undergo medical examination at least once a year.

If there is no such consultation centre in the commune or group of communes, these children are medically examined by the State medical officer responsible for such duties in the area.

The consultation centre, or the State medical officer of the area, must keep, in addition to the individual record of each child, another record on a special form, giving details of his state of health. On that form are entered any remarks by other doctors (special care, treatment prescribed during illness, reports on periods spent in medical establishments, holiday colonies, etc.), so that the record thus gives a general picture of the child's health.

Similar health records are kept in educational establishments for children with their own special medical attendant.

In institutions for foster-children and illegitimate children, medical examination is carried out by the State medical officers responsible for such duties in the commune or group of communes.

(k) *Records to be kept by the Supervisory Authorities.*

The inspection bureau or the child welfare association to which supervisory powers have been delegated, must keep lists of children in foster-homes, of suitable foster-homes and of the district inspectors.

For every foster-child, a record in duplicate must be kept, one copy for the supervisory authority or competent child welfare association and the other for the inspector. On this record must be noted all circumstances relating to the child and the foster parents, which may be of any importance for the care of the child.

If the child is transferred to the district of another inspector, the record is transmitted to that inspector after the necessary changes have been made. If a child is transferred to the

jurisdiction of another supervisory authority, the former authority must transfer both copies of the record, together with any other relevant documents, to the new supervisory authority.

In the Czechoslovak Republic, there are, all told, 231,137 children entered in the registers of foster-children and illegitimate children, and 22,502 inspectors.

The total expenditure entailed by the supervisory system was Kč. 4,199,000 on December 31st, the greater part of which was attributable to the administrative expenses of the semi-official child welfare associations.

The authorities of the autonomous regional administrations are concerned only with general co-operation in the application of the law. The communes alone have the definite duty of notifying the names of children subject to inspection in their areas to the guardianship courts or to the semi-official organisations entrusted with the work of supervision.

The school authorities must report cases calling for action by the child welfare authorities.

(1) *Co-operation with Other Authorities.*

The administrative authorities of the commune, district and province are required to co-operate with the authorities supervising children in foster-homes; particularly to report to these authorities the names of children in foster-homes in their localities, cases requiring intervention and other information about such children, and in other ways to facilitate supervision. The school authorities are also required to give information in reply to enquiries and to report cases of school-children in need of assistance.

(m) *Penalties for Infringements of the Law.*

The law on the placing of children in foster-homes lays down penalties for infringement, particularly failure to obtain a permit for taking in a foster-child. Minor offences are punishable by fines to Kč. 1,000, or by imprisonment up to one month. Criminal offences, in this connection, are punishable under the Penal Code.

3. PLACING IN FAMILIES UNDER THE 1931 LAW ON JUVENILE COURTS

According to the 1931 Law on Juvenile Courts, children under 14 years have no criminal responsibility. Those who have committed offences which would be punishable if committed by persons over 14 years of age may be placed in foster-homes if they fail to receive the proper care in their own homes. Education in foster-homes is also ordered when a minor is not receiving suitable home upbringing in his own family. The decision as to placing is made by the guardianship court. Young persons between 14 and 18 brought before a juvenile court may also be placed in foster-homes.

The guardianship court may decide on such measures even if the minor is acquitted or if the proceedings are discontinued, or even if it is persuaded, on any grounds whatsoever, that such measures are necessary for the welfare of the child in moral danger. A criminal or other court, or even a public authority, may adopt such preventive measures in case of urgent necessity. If the criminal court finds the minor guilty, it may refrain from imposing any penalty, or sentence him with or without suspension of application.

In all cases, the criminal court may place the minor in a family with a view to supervise his re-education, whenever it is impossible to ensure his proper upbringing and education in his own family or the family in which he is living, and if there are no grounds for committing him to an institution under stricter discipline. If the minor has served a sentence of detention, the supervisory board of the reformatory may also order that, before his release, the minor should be placed in a foster-home for re-education.

Education in a foster-home lasts as long as is necessary, but may not continue beyond the age of 21. The guardianship court decides how long such education is to last; it may also remove the minor from a foster-home to place him in an institution or under supervision, and *vice versa*. The guardianship court supervises all these measures with the help of organisations for the protection of young people brought before the courts or of inspectors supervising the education of minors placed in foster-homes. The cost of placing a delinquent minor in a foster-

home is included in the costs of the legal proceedings; the Government advances the necessary sums, subject to repayment by the young offender, though he is, in fact, usually unable to do so.

Such expenses are, however, guaranteed by the person who, according to civil law, has the duty of bearing the cost of the minor's education; but only in part—namely, to an amount corresponding to the cost of feeding and educating the minor in his own family for a period equal to that of his stay in the foster-home. Should it be considered, however, that such person has contributed to the minor's delinquency, he is required to pay the whole of the minor's expenses during his stay in the foster-home.

The following table shows the increase, in recent years, in the number of cases in which the criminal court has decided to place minors in foster-homes for education, the figures of cases in which minors were committed to institutions being added for comparison :

Year	Number of cases placed	
	In foster-homes	In institutions
1934	90	135
1935	115	217
1936	129	280

4. TRAINING OF STAFF

Prior to 1917, social workers were usually untrained and unpaid.

The first school for the training of social workers was founded by the Child Welfare Commission of the Province of Bohemia and the Society for the Organisation and Maintenance of the Girls' High School at Prague, VII, in 1918, under the name of " College of Social Welfare for Women ". The first school-year began on October 7th, 1919. The syllabus covered one year, later extended to a year and a-half, and afterwards to two years, starting from the school-year 1929/30. The school was closed in 1936, when the Rockefeller subsidy made it possible to found a State school at Prague known as the Masaryk School of Public Health and Social Welfare, for the training of health visitors and social workers. The training course in this school lasts two years and is attended by women students belonging to both the

Czechoslovak and German sections of the community. This school ranks higher than the ordinary secondary schools.

In the Czechoslovak Republic, there are also a few other schools for the training of social workers. There are the special courses in social assistance work at the schools of Hořice, Brno and Turčanský Sv. Martin, and at certain of the schools of domestic economy and women's vocational schools.

An effort has been made to raise the standard of courses given in such schools, and to organize a system of training in welfare work for men, as it has been found necessary to provide for the theoretical and practical training of the staff employed in all the branches of social welfare work, both the public work carried out chiefly by the Government and the communes, and the private work done by a number of voluntary associations.

FRANCE ¹

1. HISTORY OF THE REGULATION OF CHILD-PLACING

The earliest information on the legislative regulation of the placing of children in foster-families in France dates apparently from 1761, when regulations were issued for the placing of dependent children in rural families, boys until 14 and girls until 16. Specified amounts were to be paid to the foster-parents. Institutions were to be used only as receiving homes. Similar principles were followed in the legislation of 1797, which provided that deserted children in good health be placed in rural families for pay, instead of institutions as formerly. The local authorities paid for the maintenance of these children. The foster-families were required to send the children to school and were rewarded with cash premiums if they took good care of them. If a foster-family did not wish to keep a child beyond the age of 12, he was placed with a farmer or was apprenticed to an artisan. Detailed provisions for supervision of the children were also prescribed; and the provincial authorities were required to see that these provisions were carried out. Another Law on the same subject was enacted in 1811. It placed on the department the

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

responsibility for the supervision of placed-out children. A Law of 1869 deals with the cost of care of dependent children, including premiums to foster-parents for good care of the children.

According to a circular issued on July 15th, 1904, by the Minister of the Interior, some of these laws were never enforced, and practices of doubtful legality had developed. This legislation was repealed in 1904 by the Law on the Care of Children under the Public Assistance Authorities (*Loi sur le service des enfants assistés*), which preserved the principle of departmental supervision over foster-children introduced in 1811. The authors of that Law were said to have been prompted both by humanitarian motives and by a desire for a uniform system of child care throughout the country.

At present, the public authorities exercise supervision over children placed in families either by those authorities (assisted children), or by institutions or private persons normally engaged in the placing of children (supervision organised by the Law of January 14th, 1933).

Further, children who are placed in foster-families or who are granted public assistance remain until 8 years of age under medical supervision, as organised by the Law of December 23rd, 1874, on the Protection of Young Children.

2. CHILD-PLACING BY THE PUBLIC AUTHORITIES

I. *Placing of Dependent and Deserted Children and Orphans.*

The Law of 1904 on the Care of Children by the Public Assistance Authorities and its amendments provide, among other measures, for the placing in foster-families by the public authorities of the following categories of children :

(1) Children whose parents are unable to care for them because of lack of resources and for whose care temporary aid is given to the parents from public sources in order to prevent desertion; such children may be placed in foster-homes, and the payments are then made to the foster-parents;

(2) Children left without any care or means of support because one of the parents has been placed in a hospital or imprisoned;

- (3) Children deserted by their father or mother or both parents, whether or not the parents are known;
- (4) Orphans without any means of support.

Minors remain under the protection of the public assistance authorities until they are 21, save in exceptional circumstances (handing over of children to their parents by administrative decision—, wards—or by a decision of a court—children under guardianship—marriage, adoption). Only the provisions relating to the age of children entitled to assistance designed to obviate desertion are fixed by departmental regulations; these pensions vary according to the Departments.

(a) *General Rules on the Placing of Children under 14.*

The rules for the care of children of school age, which was raised from 13 to 14 in 1936, differ from those for the care of older children. The department pays the foster-parents for the care of children under 14. Such children are usually placed in rural families; the care given them must approach as nearly as possible that which they would receive in their own families.

Before a child is sent from the receiving home to a foster-family, he must be examined by the physician of that institution and must have a certificate to the effect that he is well and free from contagious disease. Sick children and problem children are not placed in families. Children who show exceptional abilities may be placed in families residing near the educational establishments where they pursue their studies or be placed in such establishments as boarders. Brothers and sisters must be placed, so far as possible, in the same families, or at least in the same commune.

(b) *Choice of Foster-family.*

The law itself contains no specifications as to the choice of the foster-family, but the authorities in charge of the administration of the law have issued at various times regulations on this subject.

The children can be placed only if the hygienic and moral conditions of the home are satisfactory. The house must be clean and wholesome; the foster-parents themselves must be healthy, clean, honest and industrious; and, in general, they must be capable of setting the children a good example.

After these conditions are fulfilled, the inspectors placing the children are required to choose preferably families which seem likely to become attached to the children and to bring them up as their own. It has been stated that all the regulations on this subject aim at making the position of the placed-out children similar to that of the foster-parents' own children.

(c) *Duties of Foster-parents.*

A contract is made between the authorities placing a child and the prospective foster-parents. Some clauses in the contract have been prescribed by legislation; others have been added as a result of experience. The points covered in the contract are also enumerated in the child's individual booklet, which is kept by the foster-parent. Among the provisions introduced as a result of experience may be mentioned the requirement that the child must have a bed of his own. Perhaps the most important of the legislative essentials is that the foster-parents send the children to school as prescribed by the law on compulsory school attendance.

(d) *Payments to Foster-parents.*

The foster-parents receive from the department a definite monthly payment. The minimum amount of the monthly payment is determined, after investigation, by the central authorities and by consultation with the departmental authorities. The purpose of prescribing a minimum amount is to safeguard the child against possible attempts at excessive economy by the departmental authorities, by whom these payments are made. These minimum amounts vary in the different localities according to the cost of living and the prevailing wages. They are published annually in a schedule accompanying the law on appropriations, and are changed every five years.¹ The departmental authorities are permitted by law to increase these amounts.

Baby-linen or clothing is supplied by the service every year; the cost of school requisites is paid direct to the masters.

The monthly payments are made as long as the child is required

¹ Article 55 of the previously mentioned Law of 1904 on the Care of Children under the Public Assistance Authorities.

to go to school. With the permission of the administrative council of the department, payments may be extended beyond the age of compulsory school attendance when the child's physical condition makes him unable to work, or when a child with exceptional mental abilities is allowed to continue his education.

A foster-parent who has taken good care of a child for ten years and has sent him to a public school regularly may be given by the department a premium at the end of the child's compulsory school attendance period (Law of 1904, Article 28). The amount of this premium, which is optional for the department, is determined by the departmental authorities. In 1935, the premium in the Department of the Seine amounted to 50 francs each to the foster-parent and foster-child and 40 francs to the teacher. Premiums may also be paid to good foster-parents sending the children to private schools. The decision is made in such cases by the prefect. The departments are also authorised to pay other premiums to foster-parents.

(e) *Legal Authority and Supervision.*

(i) *Local Supervision.*—The organisation of the service is in the hands of the General Board (Conseil général); but supervision of the placing of children is carried out by the Inspector of Public Assistance.

All the children are visited at least once a year, the youngest being visited by medical inspectors of the Department for the Protection of Young Children and supervised by visiting nurses.

Medical officers are employed for giving young children physical examinations at specified intervals; dental care is also provided by the departments.

(ii) *Organisation of Inspection System and Functions of Departmental Inspector.*—The organisation of the inspection system in the departments was first prescribed in the Law of 1904 on the Care of Children under the Public Assistance Authorities and later in a Special Decree of 1925.

In all departments, except in the Department of the Seine, which includes Paris, the work is in charge of an inspector whose functions are as follows: (1) to find foster-homes and places of apprenticeship and employment for foster-children; (2) to make agreements with the prospective foster-parents and employers;

(3) to suggest to the prefect measures for the care of foster-children; and (4) to keep a supply of clothing for the foster-children with a record of incoming and outgoing articles. The inspector also exercises supervision at the homes of all the children, and carries out the duties of guardian, which are delegated to him by the prefect.

The inspector has authority to remove children from foster-homes in urgent cases, provided he reports immediately to the prefect. He is required to send to the prefect an annual report, including a financial statement for the year and estimates for the following year (Article 32).

The staff of the Inspectorate of Public Assistance is composed for each department of :

- 1 inspector or inspectress;
- 1 or more sub-inspectors or sub-inspectresses;
- 1 clerk.

The number of sub-inspectors in each department varies with the importance of the assisted children's service, and the service for the supervision of the laws on assistance, with the execution of which the sub-inspectors are also entrusted. The decision regarding the importance of these services is left to the Minister.

At least three-fourths of the inspectors are appointed from among assistant inspectors who are eligible for promotion, and one-fourth may be appointed following a competitive examination. The men and women assistant inspectors are appointed following a competitive examination. The Decree of 1925 gives a list of persons entitled to take the examination for assistant inspectors. Among those mentioned are the following persons : clerk inspectors, with at least three years of experience; persons with experience in child-placing and the supervision of placed-out children; principals of public vocational schools; employees of the national department concerned with public health and assistance; specified employees of the prefecture; and persons with a diploma of physician, lawyer, pharmacist or teacher. The applicants must be French citizens between 25 and 30 years of age. As a temporary arrangement, graduate nurses were permitted to take the first examination after the enactment of the previously mentioned Decree of 1925.

(iii) *Supervision by Departmental and National Authorities.*— In every department except the Department of the Seine, the prefect is the highest authority in charge of the work of placed-out children. There is also a special committee (Article 33 of the Law of 1904) appointed by the administrative council, meeting at regular intervals, to which all measures taken since its last meeting must be reported. The committee expresses its opinion on all questions submitted by the prefect and makes suggestions to him. An annual report must be presented by the committee to the administrative council of the department.

The prefect transmits every year to the Minister of the Interior (Article 34) the annual report of the committee, the annual report of the inspector, and the decisions made by the administrative council of the department, together with his own observations. All these documents are sent by the Minister to the Superior Council on Public Assistance.

In the Department of the Seine, assisted children are not placed out in that department, but are distributed among some twenty placing agencies in the provinces.

In some departments, in addition to the above officials, the authorities employ regularly public health nurses for visiting the placed-out children.

Annual reports on the work in the department are sent to the administrative council of the department.

Changes in the general supervision over the work with placed-out children throughout the country are expected as a result of a Decree of January 2nd, 1937, which provides for the establishment of the office of Inspector-General of Child Welfare Work (Inspecteur général des Services de l'Enfance). The Inspector-General together with an assistant Inspector-General were placed under the authority of the Minister of Public Health. The Inspector-General is to be appointed from among the officials of the Ministry of Public Health possessing prescribed qualifications as regards knowledge of child welfare work, rank and length of service.

(f) *Care of Foster-children above School Age.*

The cost of the service is divided between the State, the department and the communes which pay for the board of a foster-

child until the end of the school attendance period, which is 14 years, unless an extension is given by the administrative council of the department. This may be the case with children in poor health or children who, because of their exceptional ability, are allowed to continue their education.

As soon as payment for the care of the child ceases, the child is apprenticed, in the majority of cases to farmers. A Law of 1935 provides that children unaccustomed to farm life may be placed in schools or in apprenticeship with artisans in cities. The inspectors are required to be careful in the selection of an occupation and to avoid trades harmful to the child's health or presenting insufficient prospects of a livelihood. The departmental authorities are required to supply the child with an outfit of clothes and to make a written contract determining the conditions of his apprenticeship and care. The child may be left with the same foster-parents with whom he has been living if this is to his advantage.

Detailed regulations on the care of foster-children after they become 14 years old and for whose care payments to the foster-parents are to be discontinued have been prescribed in the Department of the Seine. The department is authorised to keep in foster-families beyond the age of 14 and pay for their board children who are in delicate health or whose physical development is retarded, so that it would be inadvisable to send them to work. Children who are able to do only a moderate amount of work may be left with their foster-family on condition that they do some work for their board. Healthy children who are paid for their services may be left with their foster-parents if this is advantageous to the children.

II. Placing of Ill-treated and Morally Neglected Children.

Deprivation of the paternal power may be pronounced in virtue of the Law of July 24th, 1889, in regard to children over 16.

When the court has pronounced deprivation of the paternal power, this power may be delegated to the Department of Public Assistance, and the child is then admitted into the category of wards. The paternal power may be delegated to an institution or a private person, and the children thus placed out are under

the supervision of the Prefect of the Department (Decree of 1907). The Decree of 1907 is of a very restricted application, since it only affects children placed in institutions or with private persons in cases where the parents have been deprived of the paternal power.

As soon as a child is removed from his parents' home and placed under the supervision of a prefect, a notice to that effect must be sent to the prefect. The prefect must ask within a week the individual or agency exercising parental authority to provide him within two weeks with the child's address, information about the child's past history and health and the last known address of his parents. Every change of residence must be reported to the prefect within a week.

According to the Decree of 1907, the purpose of the supervision is to see that the conditions in the foster-home are good from the point of view of hygiene and morals; that the child receives proper care in case of illness, attends school and receives vocational training; that he is paid a fair wage for any work in which he may be engaged; and that a part of his pay is deposited in a savings bank to his name.

An individual card is given for each child by the prefect to the foster-parent. On that card, notices are made of the physical examinations given to the child, and of the deposits made in his savings account. The prefect or the inspectors must note on this card their visits, which must be at least annual, and remarks in connection with those visits.

In January and July of each year, the foster-parent must send to the prefect a copy of the notes made on the card during the preceding six months.

For special investigations, the prefect may appoint private persons who seem to be qualified for that purpose. The Decree of 1907 authorised the prefect to use the services of women, apparently as unpaid volunteers, for visiting girls. Later legislation provided for the appointment of regularly employed women inspectors.

The supervision of assisted children and the conditions of their placing are governed by the Law of June 27th, 1904, and not by the Decree of 1907.

III. *Placing of Wayward and Delinquent Children.*

Placing in a private family is one of the measures prescribed in Article 16 of the Law of 1912 on Juvenile Courts for dealing with morally neglected, wayward and delinquent children under 18 called before such courts and wayward children whose parents report them to the court. Article 376 of the Civil Code, which heretofore authorised the father to ask the court for the arrest of a child under 16 with whose behaviour he was seriously dissatisfied was amended in 1935 to permit the court to place the child until the age of 21 either in an institution or with a private person approved by the proper authorities. The private person is required to take measures for the child's protection and education.

3. WORK OF THE SERVICE SOCIAL DE L'ENFANCE

In their work of child-placing, the juvenile courts and other public and private agencies are aided by several official, semi-official and private organisations. One of the most important of these organisations in the Department of the Seine is the semi-official "Service social de l'Enfance en Danger moral", established in Paris in 1923, at the request of two judges, for the purpose of aiding the work of the juvenile court. This organisation, through the social workers employed by it, investigates the cases brought before the juvenile court, reports its findings to the judge and makes suggestions. Before a child is removed from his family, various measures are taken by the Service social for improving the situation in the home. If a decision is made to place a child in a foster-family, the Service social finds a suitable family, and, following the child's placement, supervises the conditions in the home, the care given the child, his education, the use of his spare time, his associations and other circumstances of his life.

In the course of its work, the Service social provides the children with physical and mental examinations, vocational guidance, reading material, clothing and other necessities. The Service social co-operates with schools, vacation camps, clinics, other agencies working for the welfare of children and young people, and with the previously mentioned Assistance publique, to which

agency some of the children are referred for placing in foster-families. The good results of this co-operation are often mentioned in the annual reports of the Service social. This organisation is maintained by subsidies from the national treasury, the Department of the Seine and several municipalities, and by private gifts.

The Service social of Paris began to function in May 1923 with one trained social worker; in 1936, it had twenty-eight such workers and five clerical workers; in addition, a number of women work as volunteers. More than 20,000 children and adolescents had been cared for by that agency since its establishment. According to a report of the Service social for 1933, similar agencies were being organised in several other cities.

Besides the Service social de l'Enfance, there are other agencies in Paris which aid the juvenile court in its investigations and its work of placing children and ensuring supervision over them. Among these agencies may be mentioned the Sauvegarde de l'Adolescence (Safeguarding Adolescence), the Mairaines sociales (Social-service godmothers—who are particularly interested in young girls), and the Section de Protection pour Mineurs.

4. TRAINING OF VISITING PERSONNEL

Some of the visitors have training in social service; others are trained nurses who may have studied social service in addition. Although untrained volunteers are still used for visiting foster-homes, there is a tendency to replace them with paid and trained workers. On December 21st, 1935, the administrative council of the Department of the Seine ordered that, beginning with January 1st, 1936, all persons on the pay-roll of that department as visitors of placed-out children must have official diplomas (diplômes d'État) from schools of social service recognised by the Government.

A circular of October 26th, 1936, addressed by the Minister of Public Health to the prefects, ordered that nurses employed by public and private agencies—for visiting in connection with maternal and child-welfare work—must have official diplomas.

In the suburbs of Paris, eighteen women are employed by the office of the prefect of the police for visiting the foster-parents

and teaching them the care of the foster-children's health. They are required to have official diplomas.

There are five schools of social service in Paris and several in other cities. One of the best known schools of social service is the *École pratique de Service social* in Paris. The course, which lasts for two years, consists of theoretical and practical subjects and a period of training in the best organised public and private welfare agencies. Graduates have been receiving since 1934 official diplomas, which are now prerequisites for employment in many public and private agencies.

GERMANY¹

1. HISTORY OF LEGISLATION ON THE PLACING OF CHILDREN IN FOSTER-HOMES

With the growing industrialisation of Germany in the nineteenth century and the consequent increase in the employment of women, the number of children placed in foster-homes also increased. Their mortality rate—particularly in the case of those of illegitimate birth—was so high that the need for special supervision soon became apparent. The Prussian Minister of the Interior was in 1840 authorised by the King to issue an order requiring a permit from the police to care for foster-children; in addition, supervision was to be established by the police whenever it was considered necessary. This order, which remained the basis of all legislation for the protection of foster-children in Prussia until 1922, when the National Child Welfare Law was enacted, provided for the supervision of children under 4 years. Later, the age-limit was raised to 6 years. It was assumed that, after the age of 6, supervision by the school authorities was sufficient. Later experience showed, however, that neither the school authorities nor the school medical officers employed in some of the Prussian schools at that time were able to remedy the evils of improper foster-care and prevent the exploitation of older foster-children.

¹ This summary was prepared by Mrs. Anna Kalet Smith, of the Children's Bureau, United States Department of Labor, Washington, D.C.

In Bavaria, detailed regulations on the care of foster-children were issued in 1871 as a part of the police code. The Grand Duchy of Hesse was the first to enact, in 1878, a special law on the protection of children under 6 years of age in both paid and free foster-homes; Sachsen-Altenburg in 1880, Lübeck in 1884 and Hamburg in 1896 instituted the regulation of foster-home care of children under the ages of 7 years, 6 years and 8 years respectively. In addition, a number of municipalities issued their own regulations.

There were two systems of supervision in these earlier regulations. In some States, it was necessary to obtain in advance a permit for taking a child; whereas in others a report was required after the taking of the child, and supervision followed such a report. The removal of the child was permitted in case of unsatisfactory conditions in the home.

Visiting of foster-children was introduced in some parts of Germany as early as the middle of the nineteenth century. In the beginning, it was done by voluntary workers under the auspices of private societies, excepting Leipzig and Saxony, where a salaried full-time woman visitor was appointed in 1858. About that time, persons interested in social welfare began a campaign for the appointment of paid instead of voluntary visitors and the transfer of supervision of foster-children from the police to social welfare agencies. One of the first results of that movement was the enactment of a law in Hamburg in 1910 by which the supervision of foster-children was transferred from the police to an official child welfare agency with paid social workers.

The need for uniform standards in child care throughout the country, with efficient administration by trained and paid social workers, has long been realised in Germany. The National Child Welfare Law, embodying many of the traditional aspirations of social reformers, was enacted in 1922. This law was considered at the time, both in Germany and abroad, as an important step forward. The law superseded the laws of the various States, with their often contradictory provisions, by a uniform national system of child welfare work by centralising the supervision of such work, including the placing of children in foster-homes, in one national agency with State and municipal branches. It also emphasised the value of trained social service. The law,

which became effective in 1924, set forth general principles in accordance with which the States were required to enact their own laws and regulations. Some of the larger cities issued their own regulations. The Law of 1922 is still in effect, but plans for its replacement by a new law are often mentioned in German child welfare literature.

2. REGULATION OF FOSTER-HOME PLACEMENT UNDER THE NATIONAL CHILD WELFARE LAW OF 1922

(a) *Extent of Regulation.*

The National Child Welfare Law of 1922 regulates the supervision of normal children under 14 years of age placed in foster-homes by their own parents or guardians, and of dependent, neglected and wayward children and children under public guardianship placed by public authorities. Children of illegitimate birth, even if they live with their mothers, are also supervised in the same way as foster-children. Supervision applies to the above categories of children, who are placed for a "considerable length of time" in homes of persons not related to them, whether for paid or free foster-care. It applies also to children who stay in those homes for part of each day. The term "considerable length of time" is not defined in the national law, and the definitions given in the State laws vary, although some of them specify a minimum period of six weeks.

The raising of the age-limit to 14, as compared with 6 or 8 years in the previous State laws, and the extension of supervision to children in free foster-homes and to those who remain in the foster-home only part of the day are considered among the most important innovations in the Law of 1922.

Supervision does not apply to the following categories of children :

- (1) Children of legitimate birth cared for by relatives, whether by blood or marriage, to the third degree, unless these persons make a business of taking foster-children for pay.
- (2) Children of legitimate birth who, because they attend school at a distance from home, spend a part of the day with

unrelated families or reside with such families, provided these families are approved by the school authorities.

(3) Children of legitimate birth who, by arrangement made in advance, stay in the free foster-home for a short time. If a charge is made, the children are placed under supervision.

(4) Children of illegitimate birth who are in good financial circumstances and whose welfare seems to be assured, and those who bear the family name of the mother's husband and live with her and her husband.

(b) *Conditions for issuing Permits.*

Article 20 of the National Child Welfare Law of 1922 provides that every person taking a foster-child must obtain a permit in advance, whereas previously a subsequent permit was sufficient in a number of the German States. In urgent cases, however, a child may be taken without a permit, but application for one must be made immediately. The permit is issued to specified foster-parents, for a specified foster-child and a specified dwelling, and, for this reason, every change must be reported by the foster-parents.

The conditions for granting a permit, the time of its expiration and conditions for its recall are regulated by each State. The authority to grant and cancel permits was delegated by the Law of 1922 to the local child welfare bureaux.¹

In Prussia, the request for a permit must be presented in writing and must give the full name, date of birth and religion of the foster-child, the name, position and address of his parents and details about their home, and similar information regarding the proposed foster-parents.

A statement of principles made by the Prussian Minister of Social Welfare early in 1924 for the guidance of the authorities issuing permits contains the following recommendations:

(1) The dwelling should comply with the housing requirements of the building code; the rooms occupied by the foster-child should be well ventilated; he should have his

¹ Jugendamt.

own bed; there should be the necessary toilet and washing facilities. It is also necessary to ascertain that the dwelling is not overcrowded, that there are no contagious diseases, and that the foster-child himself is free from such diseases. The child welfare authorities should work in the closest possible co-operation with the local public health service. A physician should be consulted in all doubtful cases.

(2) The foster-parents and other members of the family should be morally responsible persons and able to give the child, not only the necessary physical care, but the correct mental and moral training as well.

(3) The economic situation of the family should be such as to preclude the danger of exploitation of the child's working power and of the use of the money paid for his board for other purposes.

In investigating the conditions in the home as a preliminary to issuing a permit, it is necessary to ascertain these particulars and also if the prospective foster-parents had previously or still have foster-children, and whether difficulties had arisen in this connection. A permit should be issued or refused in writing. It may be withdrawn when the situation requiring its issue ceases to exist, or when the foster-parents neglect their duties. The validity of the permit ends with the death of the foster-parent or the foster-child, and with a change of residence.

In order to prevent undue delay in the issue of permits, many child welfare bureaux keep lists of approved and disapproved foster-homes. Such lists are particularly important, because the child welfare bureaux are often asked to suggest foster-homes.

(c) *Supervision Regulations.*

The Law of 1922 states briefly that foster-children are under the supervision of the local child welfare bureau, and that the details of supervision, particularly as it applies to the physical and moral welfare of the child, are to be regulated either by the National Government or by the State child welfare bureaux.

Detailed regulations for such supervisions were subsequently issued in the different States. In Prussia, a circular issued on

May 17th, 1924, by the Minister of Social Welfare to governors of provinces prescribes the general rules to be followed in supervising the care of children in foster-homes. The foster-parents are required to admit the agents of the local child welfare bureau at any time to their home, to allow the foster-child to give correct information on all matters concerning himself, and to present the child before specified authorities at specified intervals.

Exemption from supervision, which is permitted by Article 25 of the Law of 1922, may be granted by the local child welfare bureau, according to the Prussian regulations, only after a thorough investigation showing that the foster-parents are able and willing to give the child proper care permanently, that their personalities are such that they may be expected to give the child proper moral training, and that their state of health and that of the child raises no doubts as to the wisdom of exemption from supervision. The child must have been in the foster-home two years, but shorter periods may be accepted. Exemption from supervision may be given for a specified time or permanently, and may be recalled at any time.

The placing of a child in a foster-home, its removal from a foster-home, the death of a child, and any change of the foster-parents' address must be reported in writing to the local child welfare bureau within three days. The death of a foster-child must be reported before the funeral, and must be accompanied by a medical certificate of the cause of the death. The local child welfare bureau may require a certificate from a medical officer in the Government service. Measures more or less similar to the above are prescribed in the other States.

Although the law allowed the States to lower the age-limit for foster-children under supervision, if the introduction of the age-limit of 14 years resulted in an excessive increase in the amount of work, no use was made of this provision; on the contrary, the general tendency was to raise the local standards. Thus, in the free cities of Hamburg, Bremen and Lübeck, the regulations for the administration of the Law of 1922 prohibited the taking of children and young persons under 18 years of age into homes which are not suitable because of the "personal circumstances" of the prospective foster-parent or if proper care could not be expected in that home. In Hamburg, according

to the same regulations, all minors¹ placed by the child welfare authorities in foster-care, apprenticeship, domestic service or other employment are under the supervision of those authorities. In some States, the number of foster-children in a home was limited to two or three; unmarried men were allowed to keep foster-children only if a woman housekeeper was living with them. In a number of localities, special measures have also been prescribed for the protection of foster-children and foster-families against venereal disease and tuberculosis.

At present, supervision includes all the circumstances of the child's life, such as school attendance, church attendance, religious instruction, participation in the youth organisations, behaviour in the home and in the community; also his clothing, food, lodgings and health. The supervision is exercised by special inspectors employed by the public agencies caring for the child, or by the child welfare bureaux, or by private organisations authorised for that purpose by the Government. The latter procedure is used throughout the entire Rhine Province. Teachers, clergymen, Government employees and other persons considered suitable and willing to undertake the task are used as inspectors (visitors) by the private child welfare society. The inspectors are required to report on the children every six months. Emergency cases must be reported without delay to the society, by which a special investigation is made.

(d) *Penalties for Violations of the Law.*

Penalties in the form of fines or imprisonment are prescribed for taking a child without a permit or for failure to make the required report, for keeping a child after the withdrawal of the permit, for violating the conditions under which a permit was issued, for knowingly giving wrong information to the local child welfare bureau regarding the receiving or return of a child, change of address or the child's death, or for burying a dead foster-child without the prescribed report. The penalties are prescribed only upon recommendation from the local bureau, which may, however, withdraw the recommendation in certain circumstances.

¹ According to the German Civil Code, a minor is a person under 21 years of age, or, in some cases, under 18 years of age.

(e) *Participation of Private Agencies in the Work of the Official Child Welfare Bureaux.*

The local child welfare bureaux are permitted by law to delegate some of their tasks in connection with the care of foster-children to private agencies or individuals. It is in the matter of finding of foster-homes and the visiting of children that private forces have co-operated most frequently with the child welfare bureaux. The extent of this co-operation varies; information published in 1930 shows that 65% of all child welfare bureaux in Westphalia, Prussia, 57% of those in East Prussia, and 45% of those in the Rhine Province were assisted in their placing work by private agencies. In the supervision of children in foster-homes, 65% of the child welfare bureaux in East Prussia were helped by private agencies; in several other provinces, this varied from 50% to 60%. The extent of private participation in the work of placing and visiting was lowest in the city of Berlin, which was attributed to the large staff of trained social workers in the Berlin child welfare bureau, and to the placing of many children from Berlin in foster-homes outside the city.

(f) *Payments for the Care of Foster-children.*

Payments to the foster-parents vary according to the cost of living and other local circumstances; in general, they are adjusted to working-class standards of living, because it has rarely been possible to find a foster-home among middle-class families. In a number of places, the public authorities add various articles, such as milk, medicines, clothing and shoes, to the cash payment for the care of children placed by them. Medical care is also provided by the public authorities. In some parts of Germany, the rates of pay increase as the child grows older; in others, the rates decrease. The custom of reducing the pay for older children has been much criticised, because of the danger of exploitation by the foster-parents. The need of more food during the years of growth, the more costly clothing and the educational costs in the later years of the school attendance period are additional reasons for not lowering the payment for the care of older children. In reply to this, it has been pointed out that the young child requires much more attention and care than older children.

(g) *Nature of Foster-families.*

The number of available foster-homes increased with the deterioration of economic conditions in recent years. Since the autumn of 1931, foster-homes had become available among the better situated classes, such as marchants and better paid Government employees, whereas they were previously available only among the working and lower middle classes. The change is attributed to economic conditions. It is believed that the quality of the foster-homes declined in recent years, because the foster-mothers are said to be more interested in the financial consideration than formerly. According to recent information, no child is placed in a family the head of which is unemployed; but the child is not removed if the head of the family becomes unemployed subsequently to the placing of the child. The foster-mother must not be engaged in employment outside the home, and the child must not be kept in a day nursery or similar institution for even half a day. Preference is given to rural foster-families on account of the back-to-the-land movement that has spread in Germany in the last few years and the crowded living conditions in the cities.

(h) *Supervisory Authorities.*

The local child welfare bureaux supervise all children in foster-homes, including those placed by parents or guardians, public or private agencies. Every community or group of small communities has such a bureau. The National Child Welfare Law of 1922 provides that each State shall establish a child welfare bureau to advise and to help the local bureaux in various ways, and to ensure uniformity of action throughout the States. The law permits small States to combine and establish a joint child welfare bureau.

3. DIFFICULTIES IN THE ADMINISTRATION OF THE LAW

(a) *Frequent Failure to report Placing.*

An investigation made in 1927 in various parts of Germany revealed that many cases of foster-children were not reported, which was contrary to the law. This circumstance was attributed to unfamiliarity with the law and to fear of supervision,

particularly in the cases of older children who could be used for domestic service or other work. Foster-families moving to another district often failed to make the required report of the new address to the authorities. In such cases, children were often discovered when the foster-parents applied for relief. The requirement to report cases on special forms which contain questions often difficult to answer also prevented reporting, particularly in rural districts. As a result of this incomplete reporting, many children often remain without supervision for varying periods of time.

(b) *Defects of Foster-homes : Difficulties of Inspection.*

The poor quality of rural foster-homes with their frequent lack of sanitation, the frequent opposition of foster-parents, and sometimes of public authorities, to improvements urged by the visitors, and the unwillingness, due to financial reasons, on the part of some rural communities to co-operate with the child welfare authorities were pointed out as obstacles to a better administration of the law. Exploitation of foster-children in farmers' families was another difficulty. Protection of foster-children was found to be particularly difficult among poorer families, as such families could not understand why foster-children should be given better care than their own children.

The National Child Welfare Law of 1922 (Article 27) has given the local child welfare bureau authority to remove a child from a bad foster-home immediately if there is danger in delay. But, in practice, such a step often requires much effort and time, and in some cases, despite the danger of delay, it can be taken only after a serious struggle, particularly when there is opposition on the part of the child's mother or parents or foster-parents. The situation becomes complicated if there is difficulty in finding another foster-home.

Another difficulty mentioned by some writers was the insufficient number of visitors. The area assigned to each visitor was too large, so that each child could be visited not more than two or three times a year.

(c) *Ministerial Circular criticising the Administration of the Law.*

A circular issued by the Prussian Minister of the Interior on July 24th, 1933, called attention to the failure of the local child welfare bureaux to give proper supervision to children in foster-homes. The Minister points out that serious abuses and even the death of foster-children had passed unnoticed by the bureaux on account of insufficient supervision and lack of co-operation between authorities. Foster-homes have often been changed, even with the knowledge of the authorities, without a report to the local child welfare bureau. Child welfare bureaux have often failed to take notice of children taken into foster-homes without the necessary permit and a thorough preliminary investigation of the homes. This circumstance undoubtedly leads to frequent changes of foster-homes, which is detrimental to the welfare of the child.

In many places, the foster-homes are still inspected by the police authorities, although the National Child Welfare Law of 1922 transferred this function to the child welfare bureaux, which are expected to employ trained and experienced social workers.

The circular asks that henceforth more attention be given to this problem and states that the directors of the child welfare bureaux are made responsible for the enforcement of the law.

(d) *Suggestions for Improvement.*

It has been often pointed out that the masses of the people do not know that a permit is required for the care of a foster-child. To familiarise people with this requirement is considered one of the means for improving the care of children in foster-homes.

The present arrangement, whereby the payments for the care of foster-children are collected and delivered by the municipalities or other local administrative authorities, while the placing and supervision of the children are in the hands of the children's bureaux, is also considered undesirable. It has therefore been recommended that the complete care of foster-children, and the collection and payments of funds be entrusted to one agency.

The exemption from supervision under the present law of all children of legitimate birth living with their relatives by blood

or marriage to the third degree has also been criticised, because of the many cases of exploitation and neglect of such children which have been discovered. It has therefore been found desirable to extend the application of the law to children of legitimate birth living with relatives other than grandparents, if their parents are dead, or fail to show any practical interest in them or to fulfil their duties.

The age-limit of 14 is considered too low by some writers, who favour an extension of the supervision of children in foster-homes until the age of 16 or the end of the vocational training, because the foster-parents or the child's guardian are very often unable to give the child proper care at the critical period between 14 and 16 and to guide his vocational training.

The exploitation of foster-children of school age placed with farmers' families has also been a serious problem. The child welfare bureaux have been advised by students of social welfare to increase their supervision over these children.

There has been criticism of the activities of fee-charging foster-home agencies. They have been considered harmful and superfluous because a large number of the local child welfare bureaux and private child welfare societies serve as foster-home agencies without charge. In a few places, as in Bavaria and Thuringia, the charging of fees for finding foster-homes has been prohibited, and, in this way, undesirable agents have been eliminated. It has been pointed out, however, that the States have no legal right to do so, because such laws are contrary to the provisions of the German Industrial Code on the exercise of trades. The same authors also doubted whether the States had a legal right to prohibit unsuitable persons from acting as agents and to penalise them for violations of the law.

The importance of close co-operation between the social workers visiting the foster-homes, public health authorities, the vocational guidance offices and other public and private welfare agencies has also been emphasised.

4. TRAINING OF VISITING PERSONNEL AND OF FOSTER-MOTHERS

Since the latter part of the nineteenth century, a movement has been developing for the replacement of voluntary part-time visitors without training by paid, full-time trained social workers.

Article 9 of the National Child Welfare Law of 1922 requires applicants for full-time positions to have had "sufficient training" as child welfare workers with the child welfare bureaux. This training is to include at least one year of practical child welfare work. Various detailed regulations were issued by the States on the basis of this requirement. In Prussia, the Minister of Social Welfare, in a Decree of May 17th, 1924, emphasises the importance of employing a sufficient number of trained social workers. Even before the enactment of the National Child Welfare Law of 1922, State diplomas were required in Prussia for women social workers, including the visitors of foster-homes. Such diplomas were issued under a Decree of 1920, after successful completion of a two-year course in a school of social service approved by the Government. The minimum age for admission to such a school was 20 years; evidence of good health and a high school diploma were also required. Several substitutes were permitted for the latter, such as the diploma of a kindergarten teacher or day nursery worker, a year of training in a school for nurses, or three years of practical social work without any diploma. A special programme was prescribed for persons intending to take up child welfare work. At the end of a two-year course, they had to take a State examination, which, if passed, was followed by a year of practical work. If the student was at the time 24 years old, she received a State diploma.

In the years 1921-1926, regulations on State diplomas, somewhat similar to those of Prussia, were issued in the States of Baden, Bavaria, Saxony, Mecklenburg-Schwerin and Württemberg, and in the free cities of Hamburg and Bremen. The various States of Germany also agreed to recognise each other's diplomas. Special requirements for State diplomas for men child welfare workers were issued in Saxony, Prussia and Thuringia in 1926 and 1927.

The need for teaching foster-mothers the proper care of children has also been often discussed in recent years. Plans for the establishment of a school for that purpose were reported from the State of Hesse in April 1935. Courses lasting eight weeks were to consist of evening lectures and practical day-time instruction in day nurseries, kindergartens and other child welfare institutions. Enrolment was to be limited to fifteen women, in order

to ensure sufficient individual attention. Every woman satisfactorily completing the course was to be given a certificate. Such a certificate was to be required of every prospective foster-mother. Particular emphasis was placed on the closest possible co-operation among all the agencies interested in the courses, such as child welfare bureaux, local administrative authorities, private child welfare agencies and others.

Short courses for the training of mothers, irrespective of the question of foster-children, have been given in the last few years in many parts of Germany under the auspices of women's organisations. During 1935 and 1936, over 3,000 such courses were attended by 700,000 women. In some places, a certificate of attendance at such a course is required of foster-mothers. In the State of Baden, the Minister of the Interior ordered in 1935 that, in placing children in approved foster-homes, preference should be given to women who had attended a course for mothers. Women who were already caring for foster-children at the time of the issue of this order could be required to attend such a course; otherwise, the permit could be withdrawn. New permits were to be issued only to women who could prove attendance at such a course. Exemptions were permitted in special cases.

5. CHANGES IN THE ADMINISTRATION OF CHILD WELFARE LEGISLATION SINCE 1933

A change in the administration of the child welfare legislation, including that on the placing of children in foster-homes, took place in Germany in 1933 following the establishment of the National-Socialist Social Welfare Organisation. This organisation, with branches throughout the country, does its work through its members, of whom it had about six million in 1936. By decree of the Chancellor dated May 3rd, 1933, this organisation was appointed as the competent agency in the National-Socialist Party for the entire field of social welfare. Soon after the organisation began to function, the Government made use of a provision in Article 11 of the National Child Welfare Law of 1922 which permits the transfer of some of the functions of the local child welfare bureaux to other agencies. A considerable part of these functions were therefore transferred to the child

welfare division of the National-Socialist Social Welfare Organisation, among them the supervision of children in foster-homes and the finding of foster-homes, preferably free homes.

Three years later, another organisation was called upon to do voluntary child welfare work. A Ministerial Decree of February 4th, 1936, provided for co-operation in child welfare work of the National-Socialist Social Welfare Organisation and the Hitler Youth.¹ Protection of children in foster-homes is mentioned in the decree as one of the phases of child welfare work to which this co-operation is to apply.

HUNGARY ²

I. INTRODUCTION

In Hungary, the care of dependent children, including their placing, was for centuries the function of private societies. Because of the limited resources of these societies and the lack of national unity in such a system, two laws were enacted in 1901 (Laws VIII and XXI) by which the State assumed the care of children of destitute parents and of deserted and morally neglected children. The regulations for the administration of these two laws were issued in 1903. The decision in each case as to whether a child is entitled to State care is made by the public guardianship authorities.

2. PROCEDURE FOR PLACING DEPENDENT CHILDREN IN FOSTER-HOMES

Children under 15 years of age whose parents are unable to support them, or who have been deserted or morally neglected by their parents, are placed in a receiving home or other public institution if the public guardianship authorities decide that they are entitled to care by the State. At the home, each child is given a complete medical examination. An enquiry is made into his home life and the reasons for the State's being asked to

¹ Organisation of young people under the auspices of the German Government.

² This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D. C.

provide for his maintenance. The results of this examination and enquiry constitute the child's personal record. If the child is found to be physically and mentally normal, he is placed in a foster-family. The receiving home selects the village and the family.

The local public guardianship authorities decide how long a child is to remain in the care of the State; the duration of the care in foster-homes is determined in each case by the director of the receiving home or other institutions placing the child.

3. TYPE OF FOSTER-FAMILY

Children are placed mostly in farmers' or artisans' families. Rural localities are preferred, because the care of children is less expensive there and because it is considered advisable to keep children away from the temptations of city life. Homes of married couples are preferred to those of widowed or unmarried persons.

A permit signed by the mayor and the local physician is necessary before a child may be taken into the home. The permit is issued to the prospective foster-parents, if they and all the members of their family are in good physical and mental health and of good character, and if their home is clean and wholesome. They must have an income other than the payment for the care of the foster-child. The number of their children, both alive and deceased, must be stated in the permit; if the youngest child has died, the cause of death must be stated. If the prospective foster-parents have taken care of a child previously, a statement must be made in the above-mentioned permit of the quality of the care. No person is permitted to take care of a foster-child if he does not care for his own child properly.

4. DUTIES OF FOSTER-PARENTS

According to the regulations of 1903 previously mentioned, the foster-parents are required to care for the foster-children in the same way as for their own children. They must send them to school as prescribed by the compulsory school attendance law. They are also required to give them a religious education.

Adolescents must be taught a trade and trained in the habits of regular work, so that they may be able to earn their livelihood later. Foster-children under 12 years of age may not be required to do any work; those between 12 and 15 years of age only such work as is necessary for their vocational training.

5. SYSTEM OF CHILD-PLACING : PAYMENT FOR THE CARE OF FOSTER-CHILDREN

Because this makes supervision difficult, the public authorities placing children have not distributed them in small numbers throughout the country. Instead, several villages which are accessible have been selected for the purpose of placing. In these, the population is fairly well-to-do, the health conditions are good, and there is a school and a physician. From 30 to 250 children are placed in each of such villages, or in two or three closely situated villages. This is called a colony of foster-children. The selection of suitable foster-homes is made by a woman supervisor appointed for each colony.

The Government pays for the care of children placed in foster-homes by public institutions. The rate of pay is determined by the Minister of the Interior. Appropriations for this purpose are made from the national treasury.

6. SUPERVISION OF CHILDREN IN FOSTER-HOMES

The immediate supervision of children in foster-homes is exercised by the woman supervisor, previously mentioned, appointed for each village. The director of the institution placing the children has general supervision. In addition to the regular supervision, committees established in each village participate in the supervision.

The law provides that children between 2 and 7 years of age must be visited once in three months, and children over 7 years once in six months. The supervisor must, at the time of her visit, make an inspection of the home and ascertain the conditions there. (Supervisors often obtain improvements in the hygienic conditions of homes by insisting on improvements before allowing children to be placed in them.)

If the child falls ill, treatment is provided by the local physician.

The foster-parent is responsible under the law for serious neglect of the child. If the foster-parent fails to give the child the proper education and training and does not take proper care of his health, the child is removed and no other child is ever placed with the family.

7. PLACING OF CHILDREN BROUGHT BEFORE THE JUVENILE COURT

The juvenile court deals with children and young persons under 18 who have committed an act punishable under the law and with those who have committed no such act but who are morally neglected or wayward. When the judge finds that the conditions in the child's home are harmful to the child's physical or moral health or that the child's conduct does not improve despite measures taken for that purpose, he may order the child to be placed in a foster-home. Children so placed are under the same supervision as the dependent and deserted children placed by the public guardianship authorities.

8. CARE OF YOUNG PERSONS LEAVING FOSTER-FAMILIES

It has been reported that more than half of the children in foster-families are claimed by their parents before they reach the age of 15. Children who have no parents are kept in the foster-homes until the age of 15, at which time the State aid comes to an end. In the cases of specially gifted children, however, the aid may be extended until the age of 18 years. When a child becomes old enough to leave the foster-home, the agency by which the child was placed in the home finds a suitable place of employment for him. Many children continue to work on the foster-parents' farms and settle there. When a child shows exceptional mental ability or an inclination for some trade, the agency supervising foster-children in that district arranges for him to continue his studies or to enter into an apprenticeship.

The authorities supervising children in foster-homes require them to finish the first six school standards even if, in order to do this, the children are compelled to remain at school after reaching

the age of 12 years, this being the age to which daily school attendance is required by law. Day continuation classes three times a week are compulsory until 16 years of age.

ITALY¹

1. INTRODUCTION

The national regulation of the placing of children in foster-homes in Italy began in 1925 with the enactment in that year of the Law on Maternal and Child Welfare and on the National Bureau of Maternal and Child Welfare. The regulations for the administration of the law were issued in 1926. The law was codified in 1934. The law, which delegated to the Bureau the administration of various branches of child welfare work, also prescribes regulations for the supervision of children placed in foster-homes by public authorities and by private agencies and individuals. The supervision, and usually the placing, are entrusted to the local organs of the Bureau—the welfare committees. Such a committee is established in every commune and consists of local government officials and private individuals active in maternal or child welfare work. The local committees are appointed by the chairmen of the provincial agencies or federations of the National Bureau of Maternal and Child Welfare. These provincial federations, consisting of all the maternal and child welfare agencies in the respective province, are directed by an administrative council which also supervises the maternal and child welfare work of all the local welfare committees in the province. General supervision of the child welfare work, including child-placing, throughout the country is exercised by the National Bureau.

2. PLACING OF CHILDREN IN FOSTER-HOMES BY THE AGENCIES OF THE NATIONAL BUREAU OF MATERNAL AND CHILD WELFARE

(a) *Categories of Children placed.*

The categories of children placed in foster-homes or institutions by the local welfare committees previously mentioned are as

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

follows : (1) children who have been deserted by their parents; (2) children who are physically or morally neglected in their own homes; (3) wayward and delinquent children; and (4) healthy normal children living in families in which there are tuberculous persons.

(b) Selection of Foster-homes and Procedure of Placing.

Each provincial federation is required to keep a list of approved foster-homes. Every home, before being placed on the list, must be thoroughly investigated by the local welfare committee. Every member of the family must be in good health and of good character, and the dwelling must be clean and wholesome. The placing of a child in a foster-home is effected by the local committee, and a medical officer attached to the committee is required to examine the child at the time of placing. A set of rules for the care, rearing and education of the child must be given to the foster-family, which must promise to comply with these rules.

(c) Duties of Foster-parents : Payments for the Care of Children.

Fathers and mothers in families with whom a child has been placed must treat him as if he were their own child. They must see that the child fulfils his religious duties and attends school regularly, and that he learns a trade suitable to his abilities.

The foster-family is paid for the care of the child an amount which varies according to the case and the locality. The average is 75 lire a month.

A foster-family may not place a child in another family without special permission from the local welfare committee.

(d) Supervision of Children placed by the Local Welfare Committee.

Every local welfare committee is required by the Law of 1925 to keep a register of families which have foster-children under 14 years of age in their homes and a list of children under 14 years placed in foster-homes.

Women visitors, paid or voluntary, must be appointed by the welfare committee to supervise children under 14 placed in homes other than those of the parents or guardians. They must see

whether the foster-parents fulfil their duties toward the child, feeding and clothing him properly and giving him proper care during illness, whether he is abused or given work too difficult for his age; and whether he attends school as required by law.

The children in foster-homes must be examined at least once every two months by the medical officer attached to the local welfare committee.

The committees may employ "special child welfare agents" to assist the members of the welfare committees in the selection of foster-homes and the placing and supervision of children under 14 years in foster-homes. These agents are to be selected from among persons of good moral conduct, good character and discretion. The conditions of their service and remuneration are determined by the individual committees.

(e) Special Rules for the Supervision of Children removed from Families in which there is Tuberculosis.

Healthy children living in a family in which there is a case of tuberculosis may be placed with a family in a rural area under the regular supervision of the local welfare committee.

Before the placing of such a child, the local welfare committee is required to investigate conditions in the prospective home, and to obtain information about it from the police authorities and the local public health officer:

The physician is required to give the necessary treatment to a child so placed and to see that he is brought every month to the anti-tuberculosis clinic.

For the purpose of making easier and more effective the preventive care of the children removed from families with tuberculous persons and placed in other families, the provincial federations of the National Bureau of Maternal and Child Welfare may organise in various localities so-called "placing centres" for such children, under the supervision of the director of the nearest public anti-tuberculosis clinic. These placing centres consist of one or more villages or towns in which a large number of children are placed. The children at such centres must be in charge of healthy and intelligent foster-mothers and must be visited daily by a social worker trained in maternal and child

hygiene. This social worker must see that they are brought every month to the anti-tuberculosis clinic. She must also report to the physician of the clinic any irregularities that may take place.

(f) *Special Rules for the Placing and Supervision of Neglected, Wayward and Delinquent Children.*

The law makes provision for the placing of wayward and delinquent children and of those who are neglected physically or morally. If their parents are dead, or have been deprived of parental authority, or are unable to bring up their children properly, the local welfare committees may place these children with foster-families instead of institutions.

In general, the children are to be placed in rural areas with families who have proved to be honest and industrious and to love children, who live in satisfactory quarters, and who have sufficient financial resources to care properly for the children placed with them.

The local welfare committee is required to supervise these children, through volunteers or paid visitors, for the purpose of providing for their proper physical and moral development, and their general education and vocational training. The committee must watch their care, guide them in their selection of vocations and help them to find a place of employment; and it must give them advice and moral support in order to prevent their return to their former ways of living. This supervision usually lasts until the age of 18 years.

**3. SUPERVISION OF CHILDREN UNDER 14 YEARS PLACED
IN FOSTER-HOMES BY THEIR OWN FAMILIES**

Children under 14 years of age placed in foster-homes by their families, even if only for a part of each day, come under the supervision of the local welfare committee. Children who are placed with relatives by blood or marriage to the third degree do not come under this supervision unless these persons take children regularly into their homes for pay. A person caring in his home for foster-children under the age of 14 years is required to report the fact to the local welfare committee.

Reports must also be made in case of a change in the foster-parent's residence, the child's removal from the home, or his death. All reports must be made within forty-eight hours and must contain the child's name and date and place of birth, and the name and address of the foster-parent and of the person placing the child. Failure to make such a report is punishable by a fine of 50 to 500 lire.

The members of the local welfare committee and the visitors employed by it must periodically visit every child in a foster-home. The local welfare committee and the visitors are required to determine whether the child has been placed in a home which is wholesome and in which the moral conditions are satisfactory, and whether the foster-parents are able to provide for the child the proper care and education, whether all the regulations of child-placing are observed, and whether he is given work too difficult for his age.

When a child is found to be in a place which may endanger his health or with persons who through neglect, immorality, ignorance or bad conduct, or for other reasons, are unable to care for him and to educate him properly, the members of the local welfare committee, with the assistance of the police, must remove the child and place him in another family.

Every member of the local welfare committee may be asked by the chairman of the committee to supervise children in foster-homes as prescribed by the above regulations and to report to him periodically.

NETHERLANDS

The placing of children for welfare purposes in foster-homes has been practised in the Netherlands for some hundreds of years. The system was developed in the nineteenth century and has been more methodically applied since the beginning of the present century, side by side with the placing of children in institutions.

Foster-home placing is of three types: first, placing with a view to the welfare and education of neglected and delinquent children; secondly, placing as a measure of public assistance under the poor relief law; and thirdly, placing for the improvement of the health of ailing children who are unable to obtain the necessary care at home.

The first type of placing is in the hands of voluntary organisations, to which the children are confided; the child is placed by the organisation in a family, with a grant and under the supervision of the Ministry of Justice. The children so placed are, in the first place, those who are put under the guardianship of private associations because their parents or guardians have been deprived of the paternal power or have been relieved of it at their own request; and, in the second place, delinquent children placed at the disposal of the Government. Certain special rules as to health, education, vocational training, supervision, etc., have been laid down by the Ministry of Justice. The associations are required to conclude with the foster-families written contracts containing various stipulations regarding the children's care and education. There is no minimum or maximum age for the placing of children in foster-homes. The homes chosen are, as a rule, those of simple folk living in rural districts; but some are in towns. In the case of negligence on the part of the foster-family, the child is transferred to another family or to an institution. Whether placing is in a family or an institution depends upon the character of the child concerned.

The second type of foster-home placing is applied by communal, religious or private charitable institutions—for example, in the case of orphans or of children who are fatherless or motherless. As responsibility for the application of the poor relief law under which such placing occurs lies with the Minister of the Interior, it is the latter who gives instructions for such placing and its supervision. In several respects, this second type of placing resembles the first. It may, for example, be of quite long duration, the children frequently remaining in the foster-home until their majority (*i.e.*, the age of 21 or marriage).

The third type of placing in foster-homes includes the placing of school-children in families for a limited period for reasons of health. This system has been in force since 1907 and has been greatly developed since the war. The present tendency, however, is to place such cases in special convalescent homes or holiday institutions. This work is under the authority of the Public Health Department of the Ministry of Social Affairs, which makes grants for it and supervises it. There is no standard form of contract for this type of placing. The homes chosen for the

purpose are naturally those of simple folk living in country districts.

Comparative statistics of the results obtained through placing in foster-homes and institutions respectively are not available.

Annex

NETHERLANDS INDIES

Orphans, children of parents deprived of parental authority and neglected and delinquent children may be placed in foster-homes by decision of the competent authorities.

Immigrants under 18 years of age arriving without a "legal protector", and therefore subject to deportation under the immigration regulations, may also be admitted, under certain conditions, and placed in foster-homes.

Children are entrusted to private child welfare organisations for placing. As far as possible, the cost must be met by the parents, but, where the latter are not able to bear the whole of the expense, payment is made by the Government in the cases specified by law, and, in other cases, by private organisations receiving Government subsidies in respect of their general activities.

Except in the case of young immigrants, placing in foster-homes is used only to a very limited extent, as few suitable foster-homes are available. The foster-families are usually of the same social class as the children, or in some cases of a slightly higher class. Most foster-homes are found in towns.

A Government Decree of 1928 provides, in all the above-mentioned cases where a Government subsidy is payable, for a contract to be made with the prospective foster-family before placing a child of parents deprived of parental authority.

The contract must stipulate that the foster-home is to meet the requirements of a clean and wholesome dwelling and must specify proper feeding, clothing and medical attention for the child; the foster-parents undertake to send the child to an elementary, and later to a vocational, school. Measures to prevent exploitation of the child must also be specified in the contract.

Although the law does not contain detailed provisions on the

placing in foster-homes of delinquent children who have been sentenced on probation or provisionally released, arrangements are also frequently made with foster-parents for the placing of such children.

The duration of the child's stay in the foster-home is determined by the authorities supervising the child; in any case, it ends when the child reaches the age of 18 or 21 years, according to the existing legal limitations, and, within those limits, to the circumstances of the case.

Young immigrants maintained in foster-homes are allowed to remain in the country provisionally up to the age of 18, if their conduct in the foster-home is satisfactory. If, on reaching the age of 18, they are capable of earning their own living, or fulfil the other requisite conditions, they may settle permanently in the country.

Children placed in foster-homes are usually under the supervision of the organisation by which they were placed. General supervision is also exercised by the Department of Justice through its Inspectorate.

Organisations failing to supervise children placed by them in a proper manner may be deprived of their Government subsidies. Children not receiving proper care in the family may be removed at any time.

Young immigrants placed in foster-homes in large towns are under the supervision of the police, and elsewhere of other Government officials, unless they have been entrusted to private organisations. They are visited regularly and the foster-parents are required to give them proper care.

Periodical reports on the treatment given to foster-children must be submitted to the higher authorities. In cases of neglect on the part of the foster-parents, young immigrants may be removed and placed with another family.

POLAND

The placing of children in foster-homes is practised in Poland in several communes as a form of aid to dependent children. The legislation on social welfare in Poland makes, however, no provision for the placing of children in foster-homes; it merely

assigns to the communes the duty of providing assistance to dependent children. The communes decide themselves on the methods of placing and issue their own regulations. There are also in Poland privately supported social welfare agencies, exclusively devoted to the placing of children in foster-homes, more particularly the *Komitet umieszczania dzieci w rodzinach zastępczych* w Warszawie, w Poznaniu i t.p. (Committee for the Placing of Children in Families, Warsaw, Posnań, etc.).

Placing in foster-homes is applied only in cases of deserted children and orphans without means of support. The placing in foster-families of children who are in need of assistance but who still have both, or at all events one, of their parents does not lead to satisfactory results. The mother or father, taking advantage of the foster-parents' affection for the adopted child, are tempted to indulge in blackmail, or, again, they may wish to take back the child after it has been living for some years with the foster-parents; separation means a wrench for the foster-parents and, at the same time, a break in the education of the child, since the conditions under which it returns to its family are generally unsatisfactory from an educational point of view.

Both theory and practice in Poland point to the conclusion that the placing of children in foster-homes should be employed only in the case of children who have neither father nor mother, a practice in keeping with Polish tradition, which stresses the importance of family unity and authority. Only in exceptional cases, when the parents are absolutely unsuitable or unable to supervise or educate the child, are they deprived of their parental rights. It is preferable, however, in such cases to place the child in an institution, where he can continue to see his parents and can be restored to his home at any time, if the parents mend their ways or if their circumstances improve.

If a dependent child still has both parents or even only one parent, the commune prefers to give financial aid to the family and to leave the child at home, giving additional assistance, if necessary, in the form of recreation rooms, holiday camps and half camps, "Jordan" gardens (special gardens for children), recreation grounds and playing-fields, day nurseries, etc.

The age of the children placed in foster-families varies considerably according to individual cases. It is now generally agreed, however, that the most suitable age for placing is between 2 and 5 years, when a child exercises its greatest charm and when the foster-parents quickly become attached to it. Younger children require more care, and not every foster-family is in a position to undertake the responsibility. Older children may have acquired certain faults or bad habits likely to alienate the sympathy of the foster-parents and hinder or even prevent the growth of real affection between the latter and the child who is entrusted to them. But the principle referred to is not absolute. The status and circumstances of the foster-family and its reasons for wishing to take over the education of the child are sometimes arguments for making an exception to this rule.

Certain Polish communes have organised the placing of older children, which necessitates preparatory vocational training (Warsaw, Lodz). It is not expected in such cases that the child will adapt itself entirely to its new home, but if foster-parents and children are judiciously selected, the results are satisfactory from the educational point of view. In the first place, this system makes it possible to place the child in a suitable environment, which is not always feasible in educational establishments.

Successful experiments are also being carried out in Poland in establishing rural centres, which must be satisfactory from the point of view of health and training. Orphans are placed with fairly well-to-do farmers who have not large families of their own. There are teachers living on the spot, and the various forms of additional assistance applicable both to the foster-children and to the foster-parents' children make it possible to provide for their education and at the same time to raise the cultural standard of the whole village, a result which, though secondary, is none the less of great value. This form of placing is still at the experimental stage. What has been done up to date shows, however, that it is not wise to place too large a number of orphans in any one village, as this confers a special character on the district in question and may react unfavourably on the material position of the foster-children.

The communes try, as far as possible, to place children in families of the same social condition as that of the child; preference is given to relatives or friends. Children are generally placed in the families of industrial workers and artisans, quite often in the families of officials or employees, and less often with members of the liberal professions.

The prospective foster-family and the commune make a written contract, in which the duties of the family are specified and in which the family expresses its willingness to submit to inspection at any time. The contract also specifies a monthly sum to be paid to the family in cash, and certain articles of clothing, school accessories and medicines to be supplied to it.

The foster-family is required by contract to give the child complete care, moral as well as physical; it must see that it receives religious teaching (the child and the family must be of the same religion) and that it attends school as required by law. The family must also provide it with wholesome quarters and food, proper clothing, medical care and vocational training.

Supervision is exercised by special inspectors (usually women) employed by the municipalities, who are required to visit the foster-homes regularly, to report on the results of their visits and, when necessary, to make suggestions as to the care of the child. When it is found that a foster-family fails to fulfil its duties, the child is removed and placed in another family.

Such cases are, however, very rare, as the point generally insisted on when placing a child in a family is that the foster-parents shall offer the necessary guarantees from the point of view of morality, health and material conditions and that they shall realise the significance of the responsibility which they are undertaking.

To sum up, the placing of children in families, which has been carried on more actively in Poland since 1934, has produced satisfactory results up to date and constitutes a form of assistance which is particularly suitable for children who have absolutely no home of their own.

SWITZERLAND¹

1. NATURE OF REGULATION OF THE PLACING OF CHILDREN IN SWITZERLAND

The protection of children in foster-homes in Switzerland is not regulated on a nation-wide basis, as there is no national law covering this type of child care. However, special laws relating to child-placing and applying to the entire canton exist in nine cantons,² while, in the cantons of Lucerne and Grisons, there are municipal regulations in one or more towns. In Neuchâtel, Ticino, Valais and Zug there is no provision regulating foster-home care. In the remaining cantons, guardianship authorities,³ child welfare commissions or public welfare authorities supervise, without any legislation on this subject, children placed by them in foster-homes. Children placed by parents, guardians or other individuals are left without supervision. In a few cantons, some regulation of foster-homes has resulted from the Federal Law of 1928, which was designed to prevent tuberculosis and which requires the cantons to enact similar legislation.

2. LEGISLATION FOR THE PROTECTION OF FOSTER-CHILDREN

(a) *Federal Legislation.*

Article 7 of the Federal Law of June 13th, 1928, on the prevention of tuberculosis prescribes that non-tuberculous children may be placed by the authorities only in foster-homes in which they will not be endangered by tuberculous persons and that tuberculous children may not be brought up in homes in which there are children free from tuberculosis. The regulations for the administration of this Law issued by the Federal Government

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

² Aargau, Appenzell (Rhodes extérieures), Bâle-Campagne, Bâle-Ville, Berne, Geneva, St. Gall, Vaud and Zurich.

³ Official guardians are appointed by public authorities (Article 360 of the Civil Code) for children of parents deprived of parental authority, for children of illegitimate birth, and, in some localities, for children presenting serious behaviour problems. The guardians are mostly public officials who perform guardianship duties as either a full-time or a part-time occupation.

on June 20th, 1930, prohibit (Article 40) the placing of children in foster-homes without a permit from the competent authorities. The permit is issued only after the child has undergone a medical examination and the authorities have satisfied themselves that the conditions in the prospective foster-home are satisfactory. The regulations permit a child to be placed in a family if no member of the family or any other person living in the home has tuberculosis. Regular medical supervision is to be exercised over the child and the family with which he lives. If the conditions under which the permit was issued are changed, the child is to be removed from the foster-family. The cantons are responsible for the enforcement of these regulations.

(b) *Cantonal and Municipal Regulations and Practices.*

Aargau.

Supervision of foster-children until they reached the age of 16 years or, in cases of physical or mental retardation or illness, until the child is 21 years old, was authorised in the canton of Aargau by a Decree of November 20th, 1922. The administrative officers of the districts into which the canton is divided are responsible for the supervision. They are assisted by the official guardian or his agents, the inspectors of private relief societies and the local clergy. These persons make the visits necessary to observe the care and upbringing of the foster-children. In the cases of children of school age, the visitors obtain the necessary information from the teachers and school authorities; they also receive assistance from the vocational guidance offices.

Appenzell (Rhodes Extérieures).

Under Article 41 of the Law introducing the Swiss Civil Code in the canton of Appenzell (R.E.), the communal councils of that canton are responsible for the supervision of children in foster-homes. The taking of a foster-child is to be reported to the communal council; a fine not exceeding 50 francs is prescribed for infringements of this regulation. The communes are authorised to employ permanent visitors; several communes may combine for the employment of a visitor. In a circular letter

of November 24th, 1917, addressed to the communes, the cantonal authorities recommended the appointment of a women's committee of the local public health commission for the supervision of foster-children in each commune, and the extension of supervision to all children under 21 not living with their parents.

In a number of communes, supervision is exercised by voluntary members of a women's society, who are appointed by the communal council to which annual reports must be presented. In the town of Herisau, a paid woman social worker is employed under a special regulation. The guardianship authorities of Herisau are often asked to help in difficult cases. The public health commission of the canton, which has charge of child-placing, arranges from time to time meetings of the men and women engaged in child welfare work for the discussion of various problems.

Bâle-Campagne.

The Law of August 30th, 1928, on guardianship requires the guardianship authorities in the canton of Bâle-Campagne to watch the situation of children in foster-homes.

Bâle-Ville.

Regulations issued on August 25th and on September 28th, 1906, provide for the supervision of foster-children under the age of 15 years by the Department of Public Health. This supervision has been entrusted by the Department to a women's society, which receives an annual subsidy from the Department. The work is done by thirty voluntary women visitors and two paid women secretaries. Each of these visitors has a district of ten to twenty foster-homes, which must be visited at least four times a year. Every foster-child between the ages of 2 and 14 must annually be given a physical examination by the public health service. A complete record must be kept of each child, and a report must be made of each visit.

Berne.

The care of foster-children in the canton of Berne is particularly important because this canton has a relatively large number of children in foster-homes. According to most recent figures,

there are at least 6,600 such children in Berne, which is more than twice the number in the canton of Zurich. The majority of the foster-children in Berne are brought up with farmers' families. It has long been customary for farmers to keep foster-children and to employ them on light work and various odd jobs. In some localities, there is one foster-child for every ten or twelve inhabitants.

About 57% of all foster-children in the canton of Berne are under the protection of the public relief authorities; the remainder are placed into foster-families by their own parents, by the guardianship authorities or by private welfare societies.

The supply of foster-homes exceeds the number of available children, so that the public relief authorities are able to pay less for their care than in any other canton. A large number of children are brought from other cantons to be placed in foster-homes in Berne.

The supervision of foster-children placed out by the public relief authorities has been for many years the duty of these authorities, but the children placed out by private persons had no official supervision prior to the introduction of the Swiss Civil Code of 1912. According to Article 26 of the Law introducing this code in the canton of Berne, the guardianship authorities are required to watch over practically all foster-children brought up in the community, whether they were placed by parents, guardianship authorities, or public relief authorities. The only exception consisted of the children who at the time of the enactment of the law were under the care of persons other than the guardianship authorities.

Despite this definite legal provision, only a few of the guardianship authorities of the canton supervised foster-children prior to 1917. The city of Berne was the first in that canton to issue—in 1913—regulations on this subject. A special division of the municipal children's bureau was established for the supervision of children in foster-homes. A permit is required before taking a child into a home. The supervision of foster-children lasts until the end of the school attendance period, and in exceptional cases until the majority is attained. The work is in charge of the director of the municipal children's bureau, assisted by two full-time women employees, one of them a social worker,

and a medical officer employed for part time. Municipal regulations for the supervision of placed-out children have also been enacted in several other towns in the canton—for instance, Bienne, Langenthal and Wangen on the Aar.

On June 27th, 1917, the Department of Justice of the canton issued standards for foster-home care and published a circular urging the communes to adopt these standards. By the end of 1935, this had been done only in ninety-five communes. The remaining 401 communes did not consider such measures necessary. The circular and the standard regulations by the Department of Justice prescribe the supervision of all children under 16 placed in homes other than those of their parents or persons having parental authority. A preliminary application must be made and permission obtained before a child is placed. The standard regulations recommend the appointment of full-time district guardians by the communes for the supervision of children in foster-homes. So far, full-time public guardians are functioning only in the towns of Berne and Bienne. Efforts to establish such offices in other places have remained unsuccessful.

The authorities entrusted with the supervision of foster-children in the canton of Berne are as follows :

- In 255 communes, the guardianship authorities;
- In 67 communes, the official guardians personally;
- In 66 communes, the public relief inspector personally;
- In 39 communes, the public relief authorities;
- In 11 communes, the clergymen;
- In 6 communes, a teacher;
- In 3 communes, a women's committee;
- In 2 communes, the public health nurses;
- In 48 communes, other persons.

In the towns of Berne and Bienne and in a few districts and communes, the supervision of foster-children is carried out very efficiently.

Complaints of the inadequate supervision of foster-children prompted the Economic Commission of the Supreme Council of the canton to issue in 1932 a statement of principles asking for better supervision. The Children's Bureau of the canton is at present preparing a new set of regulations. There are, however,

great difficulties in the way of the improvement of the situation of foster-children in the canton.

Geneva.

The supervision of foster-children under 15 years of age is exercised by the official child welfare commission in accordance with a Cantonal Law of June 30th, 1926. The placing is carried out by a number of official agencies; illegitimate children are placed out by the official guardian appointed for such children; children of parents deprived of parental authority are placed out by the child welfare office; the public relief authorities place dependent orphans. Several private agencies also place out dependent children.

For normal children above the age of infancy, foster-homes are preferred to institutions. Official agencies usually prefer rural families; and there is always a large number of good families which are willing to take a child. An agreement is made as to the payment for the child's care; clothing is usually furnished by the agency placing the child. Foster-parents are forbidden to use the child for any work except light odd jobs. Supervision is provided by the agency placing the child and by the official child welfare commission.

Lucerne.

By municipal regulations issued on October 30th, 1929, the care of children in foster-homes in the city of Lucerne was assigned to the municipal board of guardians. A woman assistant is required to visit all such children until they finish the required school course. She obtains information from school-teachers and other individuals and reports to the board of guardians on the advisability of issuing or withdrawing a permit.

Thurgovie.

Under regulations issued by the Government of the canton of Thurgovie on January 27th, 1931, for the administration of the Federal Law on the Prevention of Tuberculosis, the local public-health boards are responsible for the issue of permits to care for foster-children and the supervision of these children until they reach the age of 14 years. The visiting of the foster-homes and

the supervision of the children may be carried out by voluntary women workers. In some localities, trained and paid social workers are employed.

Vaud.

A Law of November 26th, 1916, requires an advance permit for keeping children under 7 in foster-homes for a "long period of time" (*une durée prolongée*), whether free of charge or for payment. In exceptional cases, application for a permit may be made within thirty days after the child's arrival.

A request for a permit is made to the municipality which orders an investigation of the health conditions in the home. The result of the investigation and the request for a permit are sent to the prefect, who transmits them with his opinion to the Department of the Interior, which may order further investigation. The final decision is made by the Department of the Interior. A permit may be granted only to respectable persons, and provided that the results of the investigation are satisfactory. The permit is a personal one and applies only to the child or children named in it. It may be withdrawn at any time either temporarily or permanently.

The supervision of the foster-children is under the direction of the Department of the Interior, and is carried out by persons residing in the locality appointed by the Department. The supervision extends to the child, the foster-parent, the home and the environment.

Breaches of this Law are punished by fines up to 100 francs on the first occasion, and heavier fines for subsequent offences.

According to recent information, the children are visited by women inspectors, some of whom are trained nurses, and who are appointed by the commune or by a group of communes. The authorities are notified when their intervention is necessary. When a foster-home is found to be unsatisfactory, the child is removed, even though his removal may be contrary to the wishes of his parents. In some localities, no inspectors are employed, but the supervision of foster-children is carried out by teachers, clergymen or other local residents.

On account of the agricultural character of the canton, most of the children are placed in farming families; but they do not

invariably remain in rural areas after they are grown up. The vocational guidance offices and the school-teachers give information and advice on various trades.

The new Cantonal Law on Social Welfare and Public Assistance passed on May 20th, 1935, by the Grand Conseil extends the supervision of foster-children to the age of 15 years. The Law was submitted to a popular referendum in March 1936 and was rejected.

Zurich.

The supervision of children in foster-homes in the canton of Zurich was the subject of a special decree of January 2nd, 1921. In the communes, the supervision of foster-children is entrusted to the public health authorities. In the districts, the district child welfare commissions or committees appointed by them supervise the care of foster-children. The general supervision of the canton as a whole is in the hands of the cantonal Children's Bureau, which, since 1919, has had charge of all the child welfare work in the canton. All children who are under 14 years of age and in free or paid foster-homes for a "long period of time" are visited by volunteers. These visitors are in turn supervised in every district of the canton by the child welfare commission of that district. The district medical officer of health is an *ex officio* member of the commission.

Since a special child welfare secretary and a woman assistant are employed in every district for various kinds of child welfare work, it is reasonable to assume that the legislation on the care of children in foster-homes is well administered. The method of supervision in this canton is considered "the best and most suitable that we have had in Switzerland so far".

3. CATEGORIES OF CHILDREN PLACED IN FOSTER-HOMES

The following categories of children are placed in foster-homes.

(a) *Children placed by their Own Parents.*

Children may be placed in foster-homes by their own parents in case of the death of one parent, or the parents' separation or

divorce; and when the mother is employed and unable to care for the child.

(b) *Morally Neglected Children placed by the Authorities.*

Article 284 of the Civil Code of Switzerland requires the guardianship authorities to remove a child from his parental home and place him in a foster-home or institution when the care he receives is such that his physical or mental welfare is endangered or if he is morally neglected. This also applies in cases in which parents whose children present behaviour problems and who request the intervention of the guardianship authorities.

(c) *Children of Parents deprived of Parental Authority and Illegitimate Children.*

These are placed under public guardianship when it is considered inadvisable to leave them under the authority of their father or mother (Articles 285 and 311 of the Civil Code). These children are often placed in foster-homes by the guardianship authorities or child welfare agencies.

(d) *Children from Families receiving Public Relief.*

The laws on public relief, which vary in the different cantons, permit the public relief authorities to place in foster-homes children of families in receipt of public relief, whether or not such children are under the authority of their parents. Formerly, the authorities often removed such children from their families and, on the pretext of economy, placed them in foster-homes; in recent years, however, the fallacy of this practice is being more realised, and children are removed from their own families only if this is necessary for their own good.

(e) *Children brought before Juvenile Courts.*

Some of the laws on juvenile courts permit the authorities to decide whether children brought before such courts should be placed in foster-homes or institutions. Children guilty of serious offences are rarely placed in foster-homes; but this measure is often used in the cases of children who are endangered by their environment.

4. TYPES OF FOSTER-FAMILIES AND CONDITIONS FOR GRANTING A PERMIT

In towns, the children are placed in lower-middle-class or in working-class families; in the country, in farmers' families. There are more foster-homes available in the country because of the lower cost of food. Persons and agencies placing children frequently prefer farming families, because rural life is considered more wholesome and offers more opportunities for training the child to work.

Most of the regulations regarding children in foster-homes require a permit, obtainable from the public health authorities, the guardianship authorities, school medical officers, or other agencies or individuals. The permit is issued in most places by the local authorities, more rarely by the district or canton, for each individual child, when an investigation of the conditions by the proper agency warrants the assumption that the child will receive proper care. In some places, a medical certificate attesting that the child is in good health is required; and in others, such a certificate is required for both the child and the foster-parents, particularly when tuberculosis or some other contagious disease is suspected. The permit may be withdrawn temporarily or permanently when the visitors find irregularities or when irregularities have not been corrected, despite warning.

5. RATES OF PAYMENT FOR THE CARE OF A CHILD: PARTIES RESPONSIBLE FOR PAYMENT

The rates of payment for the care of a child in Switzerland vary according to the locality, the child's age and the financial circumstances of the persons or agencies placing the child. Writers on this subject consider the present rates rather low. In the rural district of the canton of Zurich, the payments are 30-50 francs a month for children of pre-school age, and 30-40 francs for those of school age; and in towns up to 80 francs a month. In the canton of Vaud, the rates vary from 40 francs a month for a child under the age of two years to 12 francs a month in the winter and free board in the summer for children

14-16 years old; in Oberwald, the rate is 10-30 francs a month. In the canton of Soleure, the payment is 400 francs a year for a child under the age of four years; the payment decreases with the child's advancing age; it is 250 francs a year for a child between 11 and 12 years of age and 200 francs for a child between the ages of 12 and 13 years. In Berne, the payment also becomes smaller as the child grows older; it varies there from 300 to 360 francs a year for a child under one year old to 84-120 francs for a child between 12 and 16. It is assumed that the work done by the older children in the household makes up for the difference in the payment.

The parents, or in their absence, the grandparents, brothers or sisters, are required to pay for the care of a placed-out child. This rule applies, not only to the cases in which the child is placed out by his parents, but also to cases of placing by public guardianship authorities or social welfare agencies.

If the parents or relatives fail to pay, the payments are made by the public relief authorities as specified in cantonal legislation. When the placing is effected by private relief or welfare agencies, they pay the whole or part of the cost of keeping the child. In many cases, the foster-parents keep the children free of charge.

6. ACTIVITIES OF PRIVATE ORGANISATIONS

(a) *Care of Foster-children : Visiting of Homes.*

A number of private organisations in Switzerland take an active part in the care of foster-children. Poor relief societies, societies aiding victims of tuberculosis, municipal and cantonal branches of the national child welfare society, Pro Juventute, and other child welfare and maternal welfare agencies all participate. Several women's clubs have also been active for many years in work with foster-children, so successfully that even official agencies have often expressed themselves in favour of employing members of women's clubs for visiting children as paid and trained social workers or as volunteers.

(b) *Agency for Foster-homes.*

The Women's Public Welfare Association (Schweizerischer Gemeinnütziger Frauenverein) has been maintaining since about 1921 a free foster-home agency. Children in need of foster-care are reported to the society by guardianship authorities, public relief authorities, district parishes, the Department of the Interior, and the national child welfare society, Pro Juventute. The children are placed by the Association in free foster-homes. The Association has also been active in bringing about effective supervision over children in foster-homes, through its local branches. In some communes, the authorities have entrusted such supervision entirely to the Association.

(c) *Special Family System of Placing* (Maisons familiales, colonies familiales).

As a means of overcoming some of the disadvantages of institutional care and placing in foster-homes, some child welfare societies are using the new method of placing a group of children in a separate house in the charge of one or two women or a married couple. In the cantons of Berne, Geneva, Neuchâtel and Vaud, eight to ten children, ranging in ages from 4 to 18 years, are cared for in houses rented for that purpose. The younger children attend the village school; the older are apprenticed. The house "is a united and hospitable home in which the heart and spirit are allowed to develop, and habits of mutual aid, discipline and initiative are formed in contact with the realities of family life. Without replacing the complete and unified family, the *maison familiale* comes very close to it in all its manifestations. It is therefore considered by specialists to be the most satisfactory method of placing children."

Some writers consider this method of placing as equivalent to that of foster-home placing, whereas according to others it is an institution in miniature. The *maison familiale* in Geneva resembles the former. Each child undergoes a medical examination before admission. The children usually enter at the beginning of the school attendance period and remain until they complete their elementary education and vocational training.

The children are visited as are those in foster-homes; the visitor gives the necessary instructions for their care. The *maison familiale* has the advantage of being able to accommodate brothers and sisters at the same time. In the canton of Vaud, there are four such homes admitting boys and girls and managed by married couples whom the children call "uncle" and "aunt".

7. CRITICISM OF PRACTICES CONNECTED WITH CHILD-PLACING :
SUGGESTIONS FOR IMPROVEMENT

(a) *Criticism of Prevailing Practices.*

In the opinion of some writers, supervision of children in foster-homes in Switzerland is still unsatisfactory in many cantons. The absence of uniform regulations for the entire country is emphasised. It is very difficult to bring about changes in the organisation of child welfare work because amendments of the old laws can be made only by popular referendum; and this is an obstacle in the way of child welfare reforms.

Practices connected with child-placing have been discussed on various occasions in the monthly publication *Pro Juventute*, the official organ of the child welfare society of that name, during the past several years. In the autumn of 1935, the society placed this subject on the agenda of its regional conferences, and reports were prepared on the situation in every canton. The prevailing practices of child-placing were criticised in these reports for their lack of uniformity, which was attributed to the fact that, in each canton, child welfare, including methods of child-placing, developed in conformity with the historical development of the canton itself.

It was pointed out that, with the exception of a few cantons, no steps have been taken for enforcing the Federal Law of 1928 on the Prevention of Tuberculosis and the Executive Decree issued in January 1933 by the authorities of the canton of Uri (Articles 24-26). This Decree prescribes the supervision of children in foster-homes, and specifies that the public health commissions required by that law to issue permits to persons caring for foster-children shall keep a control register and present annual reports to the higher authorities. These commissions in

the canton of Uri have so far failed to do what is required of them.

It has been revealed that a large percentage of children in foster-homes receive no supervision—for instance, in the canton of Thurgovie, where 45% are unsupervised. In some places, it was found that too many foster-parents are looking merely for a worker. The custom in some cantons of adjusting the payment to the child's age and giving free board to older children is considered inimical to the children's welfare.

It is reported by the canton of Berne that a large proportion of the foster-children help the foster-parents with their work, and take the place of paid servants. This is considered an important economic problem which stands in the way of a fundamental reform in the care of foster-children.

The supervision of children in rural foster-homes does not seem to be as effective as in cities and towns. It is reported from Berne that visitors are often hampered in the fulfilment of their duties by the fact that they are neighbours or relatives of the families. Every year complaints are made of the exploitation of foster-children, their neglect, ill-treatment, overwork or sexual abuse. An investigation of these cases revealed the following irregularities :

(1) The foster-home is not selected with sufficient care. Many public authorities, parents or guardians are satisfied with a transaction by post or telephone and neglect to visit the foster-home in advance or to make inquiries from the local authorities, clergymen or other competent persons.

(2) Supervision of the foster-children is a failure either because the supervising agencies neglect their duties or are unfit for the task.

(b) *Suggestions for Improvement.*

The director of the Children's Bureau of the canton of Berne, in describing child-placing in that canton, has made the following suggestions :

(1) In order to ensure uniform and the most effective possible supervision of foster-children throughout the canton,

the Federal Law on the Prevention of Tuberculosis and Article 26 of the Berne Law introducing the Civil Code, which deals with the supervision of foster-children, should be put into effect throughout the canton. The supervisory authorities, mainly the Children's Bureau of the canton, should enforce this legislation.

(2) Before placing a child in a foster-home, the public authorities and parents or guardians should first ascertain whether the foster-parents are fit to undertake the proper upbringing of the child. The foster-parents should be made responsible under the law for failure to take proper care of the child.

(3) The supervisory authorities of the canton must see that only suitable persons are employed for supervision, which should be separately organised as far as possible in each district; women should be employed more frequently than heretofore. The supervisory authorities should be made responsible under the law for failure to fulfil their duties.

(4) When the foster-parents give the child a good home and treat him as their own child, they should be paid a sufficient amount for doing so. An increase in the amount paid for foster-children on public relief which would bring it up to the rate of pay for privately placed-out children will considerably improve the situation of dependent children.

(5) The sense of responsibility on the part of public authorities, parents, guardians and foster-parents must be constantly aroused and stimulated. Also, every man or woman citizen should be made to feel responsible for the welfare of foster-children and should report any irregularities.

(6) In all efforts to improve the situation of the foster-child, it must be remembered that the most important task is to remove the causes of child dependency. We must also realise that mother's and father's love and the family can never be entirely replaced, and that rearing a child in a foster-home is only an imperfect emergency measure.

TURKEY¹

I.

The placing of children in foster-homes in Turkey is regulated by the Public Health Law of 1930. Persons wishing to take for payment children less than 7 years old must obtain a preliminary permit from the local municipality. Such a permit is given only after the home has been inspected and approved by the municipal health officer.

The Law provides for the supervision of children in foster-homes by inspectors of the National Department of Health and Social Welfare. If it is found that the child's health and life are not properly safeguarded, the foster-parents are ordered by the inspectors to make the necessary changes. If they fail to comply with the order within two weeks, they lose their permit to care for children.

Foster-home placing in Turkey is done through the Turkish Child Welfare Association. This private institution has 585 branches in various parts of the country. The Child Welfare Association usually places destitute orphans in foster families in moderate or even poor circumstances and pays them a fixed sum monthly.

At the time of placing, the Association imposes certain conditions on the foster-parents. They are required to send children to school from the age of 7 years, as prescribed by the School Attendance Law. The child's education and general care are supervised by trained nurses employed by the Association. A child not receiving proper care is removed from the home and placed with another family. Neglect or abuse of the child on the part of the foster-family are punishable by law. The period for which the child remains in the foster-home is not limited; but, at the age of 18, foster-children are free to leave their foster-parents. It is found that the nature of the training and the degree of education received by a child in a foster-family depend on the mental and moral qualifications of the family.

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D. C.

There is also at Istanbul a home for the poor, a public institution for destitute people, which also takes in deserted children. It places them in free foster-homes, unless they are wayward or delinquent, in which case they are sent to a special institution. Although the majority of the children are placed for the purpose of becoming domestic servants or apprentices when they grow up, a few are placed for adoption.

When a child is placed as a domestic servant or in training for a domestic servant, the foster-parents give the Turkish Child Welfare Association or the director of the public institution particulars of their occupation and financial status and undertake to care for the child's health, training and education. The child must be sent to a school in accordance with the Compulsory School Attendance Law, but vocational training is not required. He is also paid a small wage, which is credited to him, and the sum thus accumulated is handed to him when he marries or leaves the family. The foster-parents are also expected to contribute towards the costs of the foster-child's marriage. In former times, well-to-do families gave the young person a trousseau or a wedding gift, sometimes a house. In recent years, gifts have been less generous owing to economic difficulties.

The child or young person placed in a free foster-home as a servant or with a master as an apprentice usually remains there until marriage. If his foster-parents are dissatisfied with him, they may return him to the Child Welfare Association or the institution from which he came or to the police for placing elsewhere. If a child desires to leave the home, he may ask the Association or the police to place him in another home. They then decide whether this is to be done or if the child is to be left in his present place. If he is not properly treated, the child may be removed from the family by the Association or the institution which placed him there. At the request of the Child Welfare Association, serious cases of ill-treatment are taken into court, though such cases are rare.

II.

The system of placing children in foster-homes has much to recommend it from the point of view of child welfare. None of the existing organisations is in a position to found institutions

or homes on a scale sufficient to take in all destitute children. Charitable associations therefore have recourse to foster-homes, the method long employed by the Association. The procedure varies, but may be described under the following four heads :

1. If the organisation has no day nursery or there are no vacancies, the child is placed with a family, which receives payment.

2. Children are sometimes placed in childless families which wish to adopt a child.

3. Very frequently, destitute children or orphans are placed in foster-homes by distant relatives or neighbours, without any particular conditions or formalities.

4. Children of school age are placed by the Association for Child Welfare in educational or industrial establishments.

This last-named form of protection, which may have a profound influence on the upbringing of the child, whose sole desire is to be one of a family, is the method least recommended by the Association and is accordingly employed only in a few cases.

Thus, out of 100,000 children assisted by the Association, the number of children placed in foster-families does not exceed 100, while as many as 150 a year are admitted to educational and industrial establishments. These figures do not include children boarded out by private individuals independently of the Association.

The placing of children in foster-homes, while obviously the best solution, involves a series of special difficulties, of which the following may be mentioned :

For children of category 1 above requiring immediate assistance, it is not always possible to find suitable foster-parents at once. Paid nurses generally belong to families who are not very well off, so that children entrusted to their care do not always receive proper treatment, notwithstanding supervision by the Association.

Children belonging to category 2 are as a rule well looked after by the foster-parents, but the latter use them as servants as soon as they are big enough. When this happens, they run away from their foster-home and join the ranks of erring or delinquent

children. Children of category 3 meet with the same fate. It is among them that cases of cruelty to children are generally found.

Children belonging to category 4 try to get away from the family or institution with which they have been living while attending school or following a trade. The question of their situation thus becomes of special importance.

Every year, hundreds of these children, who usually go to boarding-schools or orphanages, apply to the Association for help. Those who have been in receipt of assistance from the Association enjoy its protection throughout their school years. Many children belonging to this category are, as mentioned above, placed with an employer to learn some trade.

A "Cultural Association" was founded in Turkey some seven or eight years ago to protect indigent children and poor scholars and provide for their education in the schools.

In the present comparatively undeveloped state of industry in Turkey, it is practically impossible to place all the children in the various branches of industry. A certain proportion of these less fortunate boys and girls, therefore, seek to earn a living by doing odd jobs, such as children in other countries are employed in.

This Association has for some time been applying a method similar to the photo-card system. People interested in charitable work undertake to pay a small monthly sum to provide food for some poor infant or school-child whom they do not know. The system has proved satisfactory and should be further developed.

The Association has not experienced any undesirable results from its method of placing children in foster-homes.

The number of destitute children is increasing along with the various causes—moral, economic or social—which necessitate boarding-out. The value of education and work are being increasingly appreciated by Turkish children, who accordingly apply for help and assistance to individuals and charitable organisations—a fact which necessarily complicates the problem of child-placing.

In view of these circumstances, the Association has concentrated very largely on the opening of day-nurseries and homes

and on school canteens. The Association now has scores of successful day-nurseries in various places, and meals are provided for some thousands of children at the school canteens. The Central Committee's canteens alone provide one thousand hot meals a day for poor children attending the schools.

UNION OF SOVIET SOCIALIST REPUBLICS¹

I. REGULATION OF THE PLACING OF CHILDREN IN FOSTER-HOMES PRIOR TO 1936

The supervision of children in foster-homes was practically unknown in Czarist Russia. Only a very small proportion of the children with no parental home were placed in foster-homes, as placing in institutions was the most prevalent form of foster-care. A similar situation continued during the first ten or fifteen years of the existence of the Soviet Government. It was easier to keep in institutions the large numbers of children made homeless by the world war, with its consequences of civil war and famine, than to provide foster-homes for them. Moreover, in view of the difficult economic situation of the people, few foster-homes were available. As the general conditions in the country improved, the Government began a consistent policy of developing foster-home care in preference to institutional life.

The first official step towards removing children from institutions and placing them in private homes was a Decree of April 5th, 1926, specifying the conditions under which children were to be placed in peasant families for the purpose of receiving training in agricultural pursuits. As a rule, a family was not permitted to receive more than one child. The local education authorities had to make, in the case of every child, a written agreement with the foster-parents, in which the latter undertook to give him proper personal care and training in agriculture. As compensation for the care of the child, the local government assigned to the family temporarily a plot of land and granted a certain sum of money. The local authorities were permitted to take other measures to

¹ The information contained in this chapter relates mainly to the Russian Socialist Federal Soviet Republic. This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

ensure the success of this work. The supervision of the peasants caring for foster-children was entrusted to the local branch of the Peoples' Commissariat of Education.

Two years later, on May 28th, 1928, the National Government, realising the value of this work, ordered its local agencies to take additional measures for familiarising the peasants with the social value of foster-home care, to provide the money necessary to pay board to foster-parents, and to organise the systematic supervision of such children. As an inducement to foster-parents, the Government reduced the taxes of the peasants having foster-children in their homes. Placing in peasant families appears to have proved insufficient to care for the children, and, in the same year, regulations were issued for the transfer of children from institutions into the families of workers living in cities and industrial settlements. These regulations provided for a written agreement between the authority placing the child and the foster-parents. They prohibited the use of foster-children under 12 for handicraft and industrial work and regulated the work of the older children. Clothing, underwear, shoes and other necessities were supplied by the local government, which also made monthly payments to the foster-parents. The number of foster-children in one home was limited to three, except in the cases of brothers and sisters. The local executive committees of the Government, utilising the public education authorities, provided supervision of the foster-homes.

In the following year, regulations were issued for the foster-home care of children under the age of 4 with the requirement of a thorough investigation of conditions in the foster-home and careful supervision by public health officers. General supervision was exercised by the public health authorities.

The placing of children in foster-homes was further stimulated by the Decree of May 31st, 1935, on the Liquidation of the Neglect of Children and the Care of Homeless Children. Article 13 of this Decree states that the care of orphans and other dependent children is one of the most important functions of the mutual aid funds of the collective farms.

The previously mentioned legislation of 1926 and 1928 was repealed on April 1st, 1936, when more generous provision was made for the care of children in foster-homes.

2. PRESENT SITUATION WITH REGARD TO THE PLACING OF CHILDREN IN FOSTER-HOMES

I. *Placing in Foster-homes on the Collective Farms.*

At present, most of the children in need of foster-homes are placed in families on collective farms.¹ The placing is carried out by the mutual aid funds which have been established on the farms for the purpose of doing welfare work.

(a) *Organisation of Mutual Aid Funds.*

The mutual aid funds of the collective farms are organised on the initiative of the farmers themselves. A majority of two-thirds of the members of the collective farm in attendance at a general meeting of both men and women is necessary to establish such a fund, and, when such a decision is made, the establishment of the fund becomes compulsory. All men and women 16 years of age and over living on the collective farm become members of the fund. Before such a fund is organised, meetings are arranged at which the value of such a fund is explained to the members. The funds are considered useful, because their activities tend to improve the entire situation of the farm.

In the summer of 1936, one year after the publication of the previously mentioned Decree of May 31st, 1935, mutual aid funds existed on 70,000 collective farms, which constitute about one-third of such farms in the Russian Socialist Federal Soviet Republic (comprising about two-thirds of the territory of the Soviet Union). The Commissariat of Social Welfare considered this number insufficient and, in its official monthly organ, *Sotzialnoe Obespechenie* (Social Welfare), severely criticised the lack of initiative on the part of the farmers.

The income of the mutual aid funds is derived from members' initiation fees of 1 rouble each, membership dues varying from 3 to 7 roubles a year, and a regular appropriation of 2% of the farm's income from crops, animal husbandry and other sources.

¹ A collective farm is situated on land owned by the State but tilled by a group of peasants working together and sharing the profits. In 1936, about 98% of the cultivated land of the Russian Socialist Federal Soviet Republic was allotted to collective farms.

The Government of the Soviet Union pays to the mutual aid funds 30% of their expenditure for social welfare work, including the care of children in foster-homes. For 1935, the Government appropriated 5 million roubles for that purpose.

(b) *Participation of the Mutual Aid Funds in the Care of Foster-children: Categories of Children placed in Foster-homes.*

The work of each mutual aid fund is done by a board of directors elected from the members of the fund. Since the directors can do the work only in their spare time, they are aided by committees of voluntary workers. The members of these committees are assigned by the board of directors special tasks in connection with the care of foster-children.

The mutual aid funds place in foster-homes not only orphans but also children removed from their homes on account of waywardness, or of the temporary inability of parents to care for them, or for other reasons. In selecting a home, attention is paid to the foster-parents' character, education and other qualities. Childless couples are preferred, and no child is placed in the home of a large family. When it is found that a child does not receive proper care, he is removed to another family.

Between June 1st, 1935, and April 1st, 1936, according to incomplete returns, 40,000 orphans were placed in families of collective farmers in the Russian Socialist Federal Soviet Republic.

(c) *Supervision of Children in Foster-homes.*

The members of the mutual aid funds, and particularly the previously mentioned committees of volunteers, must make regular visits to the foster-homes and investigate the children's living conditions. Every member of the committee must report on his or her work to the board of directors of the mutual aid fund and to the membership of the farm at the general meetings.

In addition, care and supervision of foster-children on collective farms is provided by the village soviets and by inspectors employed by the Commissariat of Social Welfare in Moscow. Some of these inspectors are stationed in the localities in which the collective farms are situated; others, stationed in the capitals of the provinces, supervise the work of the inspectors in several districts.

(d) *Enforcement of Legislation on Foster-home Care on Collective Farms : Reports of Inspectors.*

Five months after the publication of the Decree of May 31st, 1935, regarding the care of homeless children, reports of the work done in pursuance of that Decree were presented from various parts of the country to the Council of People's Commissars of the Russian Socialist Federal Soviet Republic. The Council found that the amount of work done for the placing of children in foster-homes was insufficient in some localities and ordered an investigation. The defects in the system were to be corrected, and measures taken for the enforcement of the decree. The village authorities in those localities were ordered by the Council of People's Commissars to take, within ten days, a census of orphans and children whose parents are temporarily unable to care for them in their respective districts. Following this census, the village authorities were to place the children in foster-homes. Payment for the care of these children was to be made by the mutual aid funds. The Council also ordered the village authorities to make an investigation, within twenty days, of the living conditions of orphans, and to take measures for the correction of irregularities.

The inspectors of the Commissariat of Social Welfare, stationed in various provinces, report on the number of children in foster-homes, methods of placing, and quality of the foster-home care. Good work done by the local authorities is praised, poor work is censured and the responsible local authorities are usually mentioned. Statements on the work done in the various provinces are published in the monthly organ of the Commissariat of Social Welfare.

II. *Legislation of 1936 on the Care of Children in Foster-families.*

On April 1st, 1936, the Government of the Russian Socialist Federal Soviet Republic repealed the decrees of April 5th, 1926, and May 28th, 1928, on the removal of children from institutions and their placing in rural families and in workers' families in cities and industrial settlements, and made more generous provision for the care of children in foster-homes.

(a) *Categories of Children placed in Foster-homes.*

The Decree of April 1st, 1936, and the regulations for its administration provide for the placing in foster-homes of children between the age of 5 months and 14 years, who are orphans; or have been maintained in institutions, or have been removed from their families by a court decision. The purpose of the placing is "to assure for the children normal conditions of development". The children are to be kept in the foster-families until the age of 16.

Children afflicted with contagious diseases, whether acute or chronic, and mentally retarded children may not be placed in foster-homes.

(b) *Authorities placing Children.*

The legislation of 1936 applies to placing by the public authorities; no mention is made of placing in foster-homes by the children's parents or guardians.

The placing of children between 5 months and 4 years old in foster-homes in cities and industrial settlements is in the charge of the public health authorities; and that of the older children is entrusted to the public education authorities. In rural districts, the placing is carried out by the chairmen of the village soviets through the mutual aid funds of the collective farms. Children from institutions are placed in foster-families, whether in cities or rural districts, only by the public health or public education authorities, according to their ages.

(c) *Investigation of the Prospective Foster-family.*

The Government agency placing the child is required to make a preliminary investigation of the foster-family, and to present a report covering the following points: name and address of foster-parents, their ages, place of employment and education, monthly income, composition of the family, and the condition of the home with regard to space, cleanliness and relations between members of the family. The investigator may add his own remarks or conclusions and must sign his name. The report must be supplemented by a statement from a physician that there are no contagious diseases in the prospective foster-family.

(d) *Nature of Foster-family.*

Children are placed in a family only if the foster-parent is employed and if the other conditions are found satisfactory in the course of the investigation. Childless couples are preferred. As a rule, only one child may be placed in a family, unless the conditions are exceptionally good. Twins are not separated if they are less than 1 year old.

Placing in a foster-home is not permitted in the following circumstances :

(a) If the payment for the board of foster-children is the sole source of the family's income;

(b) If persons addicted to alcohol or drugs are present in the family;

(c) If members of the family are afflicted with a contagious disease or with epilepsy;

(d) If conditions in the home are so insanitary as to constitute a menace to the normal development of the child.

In addition, children cannot be placed into the homes of persons who have been deprived of their parental authority by a court, persons whose interests are opposed to those of the prospective foster-children, who are on unfriendly terms with the children, or who have not reached the age of majority.

A person using the foster-relationship for monetary gain or leaving the foster-child without the necessary care is liable to prosecution under the Penal Code.

(e) *Agreement with the Foster-family.*

Before a child is placed in a foster-home, the agency placing the child and the prospective foster-parent make a written agreement specifying duties of both parties. When a child is placed in a foster-home through the mutual aid fund of a collective farm, the agreement is signed by the board of directors of the fund and by the person taking the child. In this agreement, the foster-parent undertakes to supply the foster-child with food, clothing and shoes in the same way as his own children, to bring him up properly, send him to school, watch his work

and behaviour in school, train him for suitable work and facilitate his participation in the youth movement.

The Government agency placing the child undertakes as follows :

- (1) To supply the child with an outfit of clothing, underwear, shoes and bedding at the time when he is placed in a family;
- (2) To pay a specified amount every month for his board, and
- (3) To supervise his care in accordance with the regulations on this subject given below.

The agreement is concluded for a definite period of time. It may, however, be broken when either party fails to comply with its terms or when the financial or social conditions of the foster-family have changed to such an extent as to become unfavourable for the foster-child.

(f) Payments for the Care of Foster-children and Assistance to Foster-parents.

A person taking a child for foster-care receives, in accordance with the agreement, a monthly payment from the authority placing the child. Appropriations for that purpose are made in the budgets of the public education and public health authorities, and of the mutual aid funds of the collective farms.

As an encouragement, farmers taking foster-children into their homes receive from the mutual aid funds of the collective farms loans on easy terms or gifts of money for buying cattle or building a home.

If the child placed out is receiving a pension under the Social Insurance Law or the Law on Social Aid, or if the parents are separated and he is receiving support from one of the parents as prescribed by the Law of June 27th, 1936, on the Welfare of Mothers and Children, the pension or other money is paid to the foster-parents.

(g) Supervision of Children in Foster-homes in Rural and Urban Districts.

The Government authorities placing children in foster-homes are required to keep a register of the cases, giving the following information : Date of the agreement, name and date of birth of

the foster-child, names and addresses of his near relatives and of the person taking the child, date of removal of child from foster-home and place to which he was sent.

Children under the age of 4 are under the supervision of the public health authorities. At the age of 4, the foster-child, unless he has been adopted, is transferred to the care of the public education authorities. The latter must then make another agreement with the foster-parent, as prescribed for the care of children between the ages of 4 to 16. The local public health authorities must send to the public education authorities every year, not later than April, lists of foster-children who have reached the age of 4 and are therefore to be transferred to the care of the latter authorities.

The village soviets are required to report quarterly to the municipal public health or public education authorities, depending on the children's ages, the number of foster-children in rural localities. Both these authorities must send quarterly reports on the number of foster-children under their supervision to the provincial authorities, whose duty it is to forward these reports to the respective department of the central Government—namely, the Commissariat of Public Health or the Commissariat of Public Education, not later than on the 20th day of the following month.

Each child must be visited not less than twice a year, and his situation must then be thoroughly investigated. The visiting was to be done, according to the regulations of 1936, by trained social workers, employed by the local day nurseries, kindergartens or other child welfare agencies. It is specifically stated that these social workers are to help the foster-parents in the rearing of the children. These regulations also state that the foster-children must be kept without fail under the regular supervision of the local health centres for the preventive care of their health; and, in case of illness requiring hospital treatment, they are to be placed in suitable hospitals until they have completely recovered.

(h) Care of Young Persons after they leave the Foster-family at the Age of 16.

Children are kept in the foster-homes until the age of 16. A young person who wishes to remain on the collective farm

after leaving a foster-home of that farm is allowed to do so. The management of the farm and its mutual aid fund are then required to give him the necessary financial help. Young persons who prefer to leave the farm and to continue their general education or to learn a trade are sent to the proper schools with the co-operation of the village soviet and the public education authorities. A place of employment is found for those who want to work.

Annex.

I. DECREE OF APRIL 1st, 1936, ISSUED BY THE GOVERNMENT OF THE RUSSIAN SOCIALIST FEDERAL SOVIET REPUBLIC ON THE PLACING OF CHILDREN IN FOSTER-HOMES

The methods of placing orphans and children from institutions in families of farmers and other workers in rural districts and cities shall be as follows :

1. The placing is to be carried out exclusively on voluntary principles. . . .

2. Children between the ages of 5 months and 14 years, who have lost their parents or who have been maintained in institutions, are to be placed in foster-families. They are to be kept in those families until the age of 16.

3. The placing is carried out as follows :

(a) In towns and industrial settlements, the placing is carried out by the public health authorities, who place children between the ages of 5 months and 4 years, and the public education authorities, who place children between the ages of 4 and 14 years;

(b) In rural districts, the placing of orphans is carried out by the chairmen of the village soviets, through the mutual aid funds of the collective farms.

(c) Children from institutions are placed in foster families, whether in towns or in rural districts, only by the public health or public education authorities.

4. When a child is placed in a foster-home, a special agreement is made, stating the obligations of the agency placing the child and those of the person taking the child.

When a child is placed in a foster-home through the mutual aid fund of a collective farm, the agreement is signed by the board of directors of the fund and by the person taking the child.

5. If the child placed out is receiving a pension under the Social Insurance Law or the Law on Social Aid, or, when the parents are separated, if the child is receiving support from one of the parents as prescribed by the Law of June 27th, 1936, the pension or other money is paid to the foster-parent.

6. The foster-parent becomes the child's guardian; and is required to care for the child's upbringing in accordance with the law on guardianship and care.

7. Children cannot be placed in the homes of persons who have been deprived of their parental authority by a court, persons whose interests are opposed to those of the prospective foster-children, persons who are on unfriendly terms with the children and persons who have not reached the age of majority.

8. Persons taking children into their homes for foster-care receive from the boards of directors of the mutual aid funds of the collective farms, for the purpose of encouragement, loans on easy terms or gifts of money for buying cattle or building a home.

9. The public health authorities and public education authorities are charged with supervision of the foster-children in cities and rural districts and are required to make periodic investigations of the children's economic and educational conditions.

The boards of directors of the mutual aid funds of the collective farms and the village soviets are also required to take part in the supervision of the foster-children.

10. A person who has taken a foster-child into his home and has used the foster relationship for monetary gain, or who has left the foster-child without the necessary care, is liable to prosecution under the Penal Code.

11. A person taking a child for foster-care receives, in accordance with the agreement, a monthly payment from the appropriations provided for this purpose in the budgets of the public health and public education authorities or from the mutual aid funds of the collective farms.

12. The People's Commissariat of Education, the Commissariat of Public Health and that of Social Welfare of the Russian Socialist Federal Soviet Republic are required, in co-operation with the People's Commissariat of Justice, to prepare within a month regulations for the administration of the Decree and a standard form of agreement on the care of foster-children.

13. With the execution of the present Decree, the Decree of May 28th, 1928, on "the manner and conditions of placing children from institutions and other children and young people in workers' families in cities and industrial settlements" (published in *Sobranie Uzakonenii*, 1928, No. 64, section 462) is repealed.¹

¹ *Sobranie Uzakonenii i Rasporiazhenii, R.S.F.S.R.* (Moscow, May 25th, 1936), pages 90-91.

**II. REGULATIONS FOR THE ADMINISTRATION OF THE DECREE
OF APRIL 1st, 1936, ON THE PLACING OF CHILDREN
IN FOSTER-HOMES**

1. Orphans and children from institutions, and children removed from their families by a court decision, are to be placed in workers' families so that they may be brought up under normal conditions.

In the rural localities, children are to be placed in foster-homes by the village soviets through the mutual aid funds of the collective farms. The funds are to pay regularly the cost of the foster-home care.

In towns and in industrial settlements, children between the ages of 5 months and 4 years are to be placed by the local public health authorities through the medium of foster-home agencies established at the health centres and institutions for children.

2. Children afflicted with contagious diseases and mentally retarded children must not be placed in foster-homes.

3. Agencies placing children in foster-homes must keep a register of the cases according to the following form :

- (a) Date of agreement;
- (b) Surname and given name of the foster-child;
- (c) Date of birth;
- (d) Names and addresses of near relatives;
- (e) Surname, given name and address of the person taking the child;
- (f) Date of removal of child from foster-home;
- (g) Place to which the child was sent.

4. The village soviets are required to report quarterly and not later than on the 4th day of the following month the number of foster-children in rural localities to the municipal public health or public education authorities, according to the children's ages.

The municipal public health authorities must supervise the foster-children under the age of 4, and the municipal public education authorities the foster-children between the ages of 4 and 16 years. Both these authorities must send quarterly reports on the number of foster-children under their supervision to the provincial authorities, which are required to forward these reports to the respective national authorities—namely, the Commissariat of Public Health or the Commissariat of Public Education—not later than on the 20th day of the following month.

5. The agency placing a child in a foster-home must make a preliminary examination of the home in which it intends to place the child and must prepare an official statement to that effect.

6. As a rule, only one child may be placed in a family. Two or more children may be placed only in families which are in exceptionally good circumstances. Twins may be placed in the same family.

7. Placing in a foster-home is not permitted in any of the following circumstances :

(a) If the payment for the board of foster-children is the sole source of family income;

(b) If persons addicted to alcohol or drugs are present in the family;

(c) If members of the family are afflicted with acute or contagious diseases or with epilepsy;

(d) If the conditions in the home are so insanitary as to constitute a menace to the normal development of the child.

8. The person taking a child into his home is required to supply the child with food and clothing in the same way as his own child, to send him to school, to watch the quality of his school work and his behaviour in school and to train him to do suitable work.

9. The foster-children must be kept under the regular supervision of the local health centres for the care of their health. In case of illness requiring hospital treatment, the foster-children should be placed in suitable hospitals until they have completely recovered.

10. Social workers employed by the nearest kindergartens, day nurseries, schools or other child welfare agencies are required to visit the foster-children and to supervise their care and bringing up.

11. When a child is placed by the public health or public education authorities he must be supplied with underwear, clothing, shoes and bedding; and a regular payment must be made every month for the child's maintenance and education, as provided by an agreement in each case. The payment is made from funds provided by the Government. The rates of payment made regularly, whether in cash or in kind, by the mutual aid funds of the collective farms must be determined by the latter in accordance with instructions to be issued by the People's Commissariat of Social Welfare.

12. On reaching the age of 4 years, a foster-child, unless he has been adopted, is transferred from the care of the public health authorities to the care of the public education authorities. The latter must make another agreement with the person who took care of the child until the age of 4 years; the new agreement is to be made in accordance with the conditions prescribed for the foster care of children between the ages of 4 to 16 years. The local public health authorities must send to the public education authorities every year, not later than April, lists of foster-children who have reached the age of 4 and are therefore to be transferred to the care of the public education authorities.

13. When at the age of 16 a foster-child in a rural locality leaves the foster-home in order to begin an independent life, he may become a member of the collective farm. The management of the collective farm and the mutual aid fund of the farm are then required to give him the necessary financial help, or else, with the aid of the village soviet and the local public education authorities, to find employment for him elsewhere, or he may be placed in a suitable school.

14. The agreement may be broken when a party fails to comply with its terms, or if the financial or social circumstances of the foster-family have changed to such an extent as to become undesirable for the foster-child.

III. INVESTIGATION OF PROSPECTIVE FOSTER-FAMILY

FORM OF REPORT

Foster-child (surname and given name)

1. Surname and given name of foster-parents :

Father

Mother

Address

2. Age : Father Mother

3. Position and place of employment :

Father

Mother

4. Monthly earnings of family

5. Composition of family

6. Education : Father Mother

7. Party affiliation : Father Mother

8. Nationality of family

9. Living conditions of family :

(a) Air space (approximately)

(b) Condition of rooms : clean, dirty

(c) Social conditions of the family

10. Remarks and conclusions by investigator

Note.—The report of the investigation must be supplemented by a statement from a physician that there are no contagious diseases in the prospective foster-family.

Investigator's signature

IV. FORM OF AGREEMENT

On this date
the present agreement is made between (full name and address of the
Government agency) and citizen
residing at
for the foster-care of the child (child's surname, given name and date of
birth)
who, until the conclusion of the present agreement, resided at (address)
.....
Citizen
being the guardian of the foster-child, undertakes to supply the foster-child

with food, clothing, shoes, in the same way as his own children; to care for his upbringing; to send him to school; to watch his school work and behaviour in school; to train him for suitable work; and to help his participation in the children and youth Communist movement.

The local public education authorities, the foster-home agency, the village soviet, etc., undertake :

1. At the time of placing the child in a foster-family, to supply him with an outfit of clothing, underwear, shoes and bedding.
2. To pay for the care of the foster-child every month the sum of roubles, and to make allowances in kind in the following amounts.....
3. To investigate the situation of the foster-child not less than twice a year, and also to help in the care of the foster-child through the appointment for that purpose of a social worker from the nearest kindergarten, day nursery, school or child welfare institution, and to place the foster-child under the care of a public health agency for the purpose of watching his health, and also to see that he receives the benefit of all child welfare work done for school-children.

This agreement is to be in force until.....

The agreement becomes effective on the day on which it is signed by both parties.

Signature of agency placing the child in a foster-home

.....

Signature of the person taking the child into his home

.....

SECTION B.—AMERICA

NORTH AMERICA

Canada

1. GENERAL BACKGROUND

In Canada, all legal provisions for child care lie within the jurisdiction of the nine provincial Governments; and vary within and between provinces and municipalities according to the statutory provisions of these nine respective provincial units of jurisdiction.

In the eight predominantly English-speaking provinces, the protection and placing of children are handled under child protection enactments, which, in seven of the provinces, contemplate the actual assumption of responsibility by a peculiarly Canadian

institution—the Children's Aid Society. The Children's Aid Society is essentially a voluntary association of philanthropically minded citizens, which must, however, have permission to operate through a charter, granted by the provincial Government, and which is subject to inspection and supervision by the public authority. Upon the Children's Aid Society, once established within any local area, the responsibility for child protection within that area is placed, the provincial official or public authority exercising supervision, and acting directly only within any area not served by a recognised Children's Aid Society, or in respect to children with no established residence or settlement within any such area. In only one of these English-speaking provinces is this practice completely abrogated in favour of direct exercise of child protection services by the provincial public authority.

Under this system of child protection thus established, child care is provided almost entirely by two groups of services—the Children's Aid Societies,¹ which have specific status and powers reserved to them by legislation, and children's homes or orphanages, under private auspices, which provide care alone as distinct from the legal protection or custody which the Children's Aid Society also assumes. This statement is modified in practice though not substantially in principle by the fact that, in all the provinces with such legislation, the provincial child protection authorities act also as a children's aid society in respect to children from any area where no children's aid society functions, or without residence in any such area in that province. In the provinces of Alberta and Saskatchewan, the provincial child protection authorities function directly and continuously as a children's aid society themselves.

The Children's Aid Society, or public department where so operating, is contemplated as operating through two main lines of service—(a) its family protection division, giving care and protection to a child in its own home whenever conditions prejudicial to the child arise, and (b) its placing and home-finding services, through which the child is placed in other care, whenever continuance in his natural environment ceases to be safe for him or the community.

¹ Which may also be provincial child protection departments.

Under this system, each Children's Aid Society maintains a "temporary home or shelter" to which any child may be removed at any time by authority of the Society. This "temporary home" is frequently maintained in a private home, under supervision of the Society, especially in the isolated areas.

The Children's Aid Society, or public department where so operating, may receive children into care in one of three ways — (a) upon application of their parents or guardians, upon voluntary admission, and for care only, with no transfer of guardianship; (b) for temporary care, through their family protection division, whereby the child is temporarily removed for protection, prior to court hearing as to the need of transfer of parental guardianship; (c) as "wards", whereby, through regular judicial procedure (in the juvenile court, if there be one with jurisdiction in child protection legislation in the area), the child is removed from parental guardianship (if proved deficient within statutory definition) and transferred temporarily (for twelve months) or permanently (until 21 years of age) to the legal custody of the Children's Aid Society. The Children's Aid Society then becomes, absolutely, the parent or legal guardian of the child and must discharge all parental obligations to that child.

The child entering the children's home or orphanage, on the other hand, enters upon voluntary admission, on request of parent or guardian, and without transfer of guardianship, except where this privilege, inherited under the old indenture system, is retained by a very few of these homes, of long establishment in the older provinces. Under the legislation of most of the provinces, when guardianship is sought for a child in a home or orphanage, with the exception of homes with special privileges, the home or orphanage gives notice to the local Children's Aid Society, and the same judicial guardianship proceedings take place as if the child were being committed as a ward to the Children's Aid Society in the first instance, the home or orphanage having to adduce similar evidence as to reasons for seeking commitment of the child to this guardianship.

The Children's Aid Societies, from the establishment of the first Society in Toronto in 1893, have always operated on the principle of providing temporary care only in the "shelter", and

of placing the child as soon as possible in a private foster-home in the community.

In latter years, the most progressive children's homes and orphanages in Canada have also developed this same principle, outstanding examples being the Infants' Home, Toronto, which, though accepting only infants and children under 4 years of age for care, has no institution, but cares annually for over 1,000 babies in over 600 private boarding-homes, and the Protestant Children's Homes of Toronto, which represents a home-finding and child-placing agency, operating entirely as such, where, fifteen years ago, two separate agencies operated two separate institutions—a boys' home and a girls' home.

Generally speaking, the Canadian child-placing system operates directly through the agency having the child in care, the agency itself, its service and standards, and not its actual placing of the individual child, being under public supervision and inspection. The agency receives the child either by court order or on voluntary application by the parent for temporary or "non-ward" care, and the agency then decides itself, having regard to the child's background and needs, and the agency's own resources, whether the child will be given institutional or private home care, and of what type (where any agency operates without any institution, it may board a child in a co-operating institution if some special cause dictates such custodial care). In most of the provinces, the public departments do not accept this temporary type of care except in emergencies, feeling that the private agencies, with their greater freedom for discretionary treatment, should, as far as possible, be especially equipped to take this type of care.

In those cases in which the provincial child welfare authorities directly exercise child protection or placing services, the same legal procedures prevail in respect to surrender of parental guardianship, and the public authority then places and supervises the child in care, through its own staff.

(a) *Quebec.*

Though the Royal Commission on Social Insurance in Quebec in 1980 recommended the adoption of this same system of child protection in all communities with a population of over 25,000,

no such system has yet been adopted, and the prevailing system of child care is in children's homes and orphanages, with the exception of the Children's Bureau of Montreal, which serves as a clearing-house for all English-speaking Protestant child-caring agencies in that city, and follows a policy of placing in private homes.

Of course, indenture may be employed under the Apprenticeship Act in this province for placing in wage homes, but it is not widely utilised. With the exception of an extensive development of the Grancher system for the placing of children exposed to tuberculosis in private farm homes, Quebec may be said to provide for children in need of care, primarily through the traditional method of custodial care in institutions.

(b) *Canada—General.*

Otherwise, the placing of children in families may be said to be rather widely practised. In Canada, at the time of the last Dominion census (1931), there were eighty-seven Children's Aid Societies and three placing services with 14,607 children in care, of whom 8,496 were placed in private homes.¹ There were seventy-eight child-caring homes or orphanages outside Quebec, with 4,994 children in care, of whom 101 were in private homes. In Quebec, the Montreal Children's Bureau had 228 children in care in private homes and 217 in institutions which are affiliated to the Bureau and for which the Bureau acts as the receiving and distributing service. As regards institutional care, forty-one homes and orphanages had 6,185 children in their care, while there were 5,330 children in care in seventy-nine homes caring for adults and children together.

The totals of children under care for Canada were therefore :

1. In their own homes.....	4,111
2. In private homes	8,496
3. In institutions { (a) Outside Quebec.....	4,893
{ (b) In Quebec	6,185
4. In institutions caring for both adults and children.....	5,330

¹ 4,111 children were under care in their own homes.

2. CHILDREN PLACED AND TYPES OF HOMES

For the most part, children placed in private homes in Canada are naturally children found to be technically "neglected" under provincial statute, and for whom a new guardianship has been created, vested in a Children's Aid Society, or the provincial child protection authorities.

Children in temporary care upon the voluntary admission of their parents may also be "boarded out" if that is the policy of the agency which has them in care, but frequently this type of admission is made only to tide over some emergency in the family (such as the mother's admission to hospital, etc.), and consequently temporary care may be given in the institution.

Generally speaking, in the greater part of Canada, there is definite opposition to the removal of the child from his own parents, on the ground of dependency alone, unless the economic disability is accompanied by some social disability as well (*e.g.*, illegitimacy, desertion, etc.) which seems to indicate the wisdom of this separation. The system of special allowances to needy mothers, prevailing in six of the provinces, allows for the payment direct from public funds (provincial and municipal), under supervision of a public investigation service, of monthly grants in aid to the widowed mother with young children, and, in some provinces, to mothers in similar need from other specified causes. At present, some 14,000 mothers and over 40,000 children are maintained in their own homes at public cost under "Mothers' Allowances".¹

The system has proved particularly effective in the placing of children of illegitimate birth with the homes and service under special supervision and payment provided—in part, from maintenance collections from the fathers; in part, from private funds, and, in part in some centres, from local municipal grants. The effect of placing children in private homes has been to reduce mortality in this group to an almost incredible degree, the central service providing clinical and medical services for the entire boarding-home service for the children so placed.

¹ See also Annex, page 188.

In certain provinces, the application of the system to the placing of delinquent boys and girls has had most satisfactory results. Placing on parole is made in specially selected homes, supervised by placing officers from the training-schools, to whose care the young delinquents have been committed by the courts. In some provinces, placing and supervision may be carried on by officials from the public welfare departments. In these cases, placing is always on a wage basis, the training-school, Children's Aid Society or provincial authority, as the case may be, being trustee for the funds to the credit of the boy or girl, and the total amount so accumulated being paid over upon discharge.

In three provinces, particular success has attended the placing of mentally retarded or defective girls and youths, after special training, under supervision in private homes for domestic and agricultural work. In these cases, the placing is made by a special officer, attached either to the training-school for defectives or to a co-operating social agency. The wages paid are credited to the boy or girl, and, where either works outside a central hostel, a reasonable deduction is made for lodging. Small public grants are made to the hostel or agency handling the service where it is under private auspices.

As already suggested, marked progress has been made in Quebec in the development of private family care for children who have been exposed to tuberculosis. The system is borrowed from the Grancher plan in France and is based on rural placing, through a special provincial placing service, utilising the parish clergy for supervision and the local county health units for health care. The entire cost is borne from public funds.

As regards placing in foster-homes, children are placed in four different types of home :

(a) *The Adoptive Home.*

The child is placed prior to application for legal adoption. Most of the Canadian provinces require a two-year¹ probationary adoption period prior to absolute legal adoption. Adoptive homes are available in all ranks of life.

¹ In two provinces, this is one year, while, in several, it may be waived entirely on the order of the court, where the child has known no other home since infancy.

(b) *The Free Foster-home.*

The child is placed under supervision and maintenance and care are given at no cost other than the provision of clothing and school-books. This type is frequently available in the case of a home with one child, where another child is sought "for company" but without adoption, or a home where there are older children and one young child, or where the parents may be willing to give a home, but do not wish to accept the full responsibility of legal adoption.

Most of the homes available, however, are often in rural areas or as "mother's helps" in urban homes. There has been so much abuse of the system through exploitation of the child, heavy work and loss of schooling, that this type of placing is viewed askance to-day, unless careful investigation has shown that the child is really offered a home for his own sake and not as a subterfuge for cheap help.

The placing of juvenile immigrants in Canada by British societies was found particularly open to these abuses.

(c) *The Wage Home.*

This type of home, like the free home, is available in rural areas, and among families of moderate means in town and city. The boy or girl is generally placed on a contract similar to indenture, for a wage that is too often nominal, and given maintenance and clothing in addition, in return for employment. It, too, has been open to abuse, and is utilised now by agencies of good standing only for the placing of adolescents, youths and girls over school-leaving age. Some provinces restrict such types of placing to children over school age.

(d) *The Paid Boarding-home.*

The development of the paid private boarding-home has revolutionised the outlook in the matter of the custodial care of children in the United States of America and different centres and provinces in Canada in different years. It is entirely different from the commercialised "farming-out" of poor children that has so defamed the social history of this and other countries. It is

based on two principles, that the normal environment for a child is family life in a good home, and that if he lacks this, it can be provided only in the same way as his other needs, by ascertaining what his requirements are, and paying for their provision. It has allowed for meeting the diversified individual needs of wide groups of children in the care of the social agencies—*e.g.*, the delicate child is placed with a foster-mother especially skilled in health care; the child with speech defect in a home where he will be patiently taught; the nervous child in a quiet and understanding atmosphere; brothers and sisters boarded in a compact, small, family unit, etc.

The private boarding-home has one other advantage over the free foster-home in that the agency placing the child practically enrolls the boarding-parents as employees and is therefore able to insist upon observance of its regulations, standards, etc.

These homes are located by special "home finders", qualified workers attached to the private agency or the public department, as the case may be, whose duty it is to search out and keep lists of homes suitable for the boarding of a child, and then of having the right home available for each individual child whom the agency must place.

There has been little or no difficulty in keeping these lists. The centres and services maintaining private boarding-home services report a much greater number of homes offering than are accepted, or acceptable, after careful investigation. The average boarding-home accepted in Canada to-day is found in the average middle-class workingman's, tradesman's, artisan's or clerical worker's home, generally in the suburban areas of cities, or in the average farm home of moderate means. Very frequently, the company and pleasure of the child's care and the impulse to give a lonely child the privileges of home life weigh quite as much as any thought of added income.

In Canada,¹ the Children's Aid Societies and most of the child-caring agencies serve on a district basis and they organise their placing services accordingly. The large city agencies, realising that most of their children will eventually live in

¹ Only in two provinces has the district system not been energetically developed; these are provinces of wide extent.

the city, favour boarding-homes in their suburban or metropolitan areas, though generally a range of rural homes is maintained for special cases of placing young children, especially infants.

The district Children's Aid Societies and other local homes and orphanages generally place their children in cities or towns, and in areas contiguous to their child-caring shelters, thus facilitating supervision and giving greater hope of later finding employment. There is also a considerable value in placing children within the area of the local "shelter" or home, because, as a rule, the citizenry take a definite local pride and interest in their child-caring services, and this usually develops into a friendly sentiment and practical sympathy with the well-being and progress of the children placed out. Also, it is felt desirable by many agencies that children should be placed "in their own neighbourhood" when possible.

The value of life in the rural communities from the point of view of health and freedom is fully realised, but in the more extensive rural areas of most of the provinces, and the more remote districts of settlement, serious difficulties sometimes tend to arise in respect to the prior investigation of homes, supervision and provision of schooling. Though the placing of older children (from 10 to 14 years of age) is frequently offered on a "free work home" basis, for these reasons, it is not widely utilised or encouraged by many agencies of good standards.

In three of the largest cities, placing is related to hostel care, and working boys' or girls' homes are maintained under private auspices. These homes really act as a kind of "entresol" between care in the social agency and independent employment in the community. They co-operate in finding employment, and provide food and lodging, as well as recreational facilities during spare time at very moderate rates for the homeless adolescent in the first two or three years of establishment in the community.

8. CONDITIONS GOVERNING PLACING IN GENERAL

(a) *Agreement as to Placing.*

As already stated, on the whole (with the exception of two provinces), the Canadian system is built largely upon the recognition and supervision of the set-up and services of the recognised

private agency, which is then relied upon to carry out its task, rather than directly supervised in all phases of its work. Certain of the provinces allow no child-caring service to operate without prior license and approval annually, while two prohibit the placing of any child in a home not its own without the prior notification and consent of the proper official, but this provision has been found extremely difficult to administer.

As suggested above, children are placed in boarding-home care in homes especially selected by the agency utilising them. Though many agencies have special contracts with each foster-home, covering the placing of each child, it is not uncommon for the conditions of contract to be entered into between the individual home and the agency at the time of the acceptance of the former as a boarding-home, and therefore to be on the basis of obligations accepted in respect of the care of any child boarded in that home.

Of course, in the case of an adoptive home,¹ the contract during probationary adoption is a specific legal document, while, when a child is placed in a free or work-and-wage home, there is nearly always a formal contract between agency and home, or home and child, specifying the conditions agreed upon in each case. A few agencies use the same agreement, substituting the contract of adoption when adoption becomes final.

In addition to these conditions, in several larger municipalities, such provisions as exist in provincial legislation and administration for the supervision of child-caring agencies are reinforced by municipal regulation, setting forth the licensing of the agency itself, and governing especially the investigation and licensing of any private home in which children may be placed. These regulations are generally administered by the local departments of health, and apply particularly in the case of infants.

(b) *Costs of Maintenance and Education.*

Under the child protection system already described, the legislation of all but two of the eight provinces operating under it provides that, when a child is committed as a ward to a

¹ Where, as in two provinces, the natural parents must make the adoption agreement, this, of course, does not apply.

Children's Aid Society, the municipality in which the child resides is liable for its maintenance at a stipulated rate¹ as long as the child remains in the Society's guardianship, which may be until 21 years of age. The rate is calculated on a *per diem* basis and has been held by judicial decision to be the full cost of such care (including food, clothing, shelter, maintenance, special costs, clinical costs, supervision, etc.) so long as such cost is shown to be reasonable. In certain provinces, this same payment may be ordered "pending the hearing and during the determination of the case".

In respect to non-ward children, or children given care without deprivation of parental guardianship, various procedures prevail. In some provinces, where the child is placed in the care of a Children's Aid Society or a children's home by its parent or guardian, the municipality, if a prior order to this effect has been issued, may meet the whole or part of the cost of such care. Such municipalities make a definite *per diem* grant to the cost of all children in non-ward care, while, in Quebec, both province and municipality make equal grants, according to a schedule of *per diem* rates based on the residual principal, one-third of the cost being met by private philanthropy, though this remaining amount so met is usually greater.

Other provinces and municipalities make "lump sum" grants to these agencies especially designed, to assist them in the costs of their non-ward care.

On the whole, however, the greater part of the cost of non-ward care of children in these various agencies comes from private funds, either in payments (generally partial) from their parents or guardians, or from private donations.

In the case of delinquent children, every province provides, either from provincial or provincial and municipal funds, for the maintenance of all children committed as delinquents to custodial care.

In the case of mentally retarded adolescents, youths and young girls, placed out, if the cost must be met, it is met by the provincial authority placing the child. Generally, however, these placings are made on a work-and-maintenance or wage basis.

¹ In Nova Scotia, this rate is shared between province and municipality.

with a small *per caput per diem* grant from public funds for hostel care and supervision.

Thus it will be seen that it is not usual, in most of the provinces, to have any arrangement between a child's parent or guardian and the boarding-home, except where the guardian is a social agency. The agency otherwise deals itself with the parent and guardian, collecting directly from them any contribution they may be able to make towards payment, but makes its own direct arrangement for all board paid by it on its placing, charging the same to maintenance costs, paid by public or private contributions.

(c) *Education and Training.*

In these eight provinces of Canada, elementary education is free and compulsory, and, consequently, all children are entitled to attend the regular schools. This right has been challenged in some of the smaller municipalities in which children have been boarded from city agencies, but so far as information at present available goes, it has nowhere been repudiated.

The legislation of all the provinces provides that in the placing of any child in care outside its own home, its religious faith must be protected; no child of Roman Catholic parentage may be placed in a non-Roman Catholic home and *vice versa*.

The agency placing the child generally stipulates and also supervises the religious training, education, health and general well-being of children placed under its supervision. In fact, in several of the larger centres, regular courses in child care and training are provided by the agencies for all foster-mothers receiving any of their children for care.

The child so placed is entitled to the same school health, clinical or hospitalisation services as are open to any taxpayer's child in the community, with the additional fact that generally, for hospitalisation, such child, if entirely dependent, is entitled to such privileges as may exist for hospitalisation of non-paying patients, with payment chargeable to the municipality liable for his maintenance.

Many of the larger agencies maintain their own staffs and clinics for health and mental care of their own children.

(d) *Age and Guardianship.*

There is no restriction on the age at which any child may be placed in a home : it may be so placed from infancy until discharge from guardianship. A child may be taken into the guardianship of a social agency at any age up to 16 years in most of the provinces (in two, up to 18 years in the case of delinquents). Guardianship once constituted, unless legally transferred, remains until the ward reaches the age of 21 years. The guardianship therefore rests with the agency and not with the family caring for the child. If guardianship is still vested in the parents or guardian, the agency acts as their agent in placing and supervision. Where special guardianship legislation does not exist, the common law provides the basis and duration of guardianship.

As already stressed, in Canada generally, the agency itself is supervised and inspected, rather than its actual day-to-day discharge of guardianship responsibilities in respect to each child in its care. In all provinces, any agency found unsatisfactory may have its charter cancelled, or may be closed by order of the health authorities.

(e) *Liability of Family with which Child is placed.*

Child-placing services, whether public or private, maintain their own staffs of supervisors, qualified workers in most cases. They are supposed to visit these homes frequently, and children are often transferred from one home to another better suited for the care required. Unsatisfactory homes are dropped. In certain provinces, no child may be boarded out except in homes licensed for that purpose by the provincial health authorities.

While the agency placing the child is either legally responsible as the child's guardian, or morally responsible as agent of the guardian, for satisfactory placing and supervision, the Criminal Code of Canada, which is applicable in every province, renders liable to imprisonment for three years any person, who, having a child or other helpless person in his or her care, neglects, ill-treats or otherwise permanently endangers the health or life of that

person. Action lies through the ordinary courts, and this section has been invoked on several occasions (section 213 (2) and section 241, C.36, R.S.C.).

4. COMPARATIVE RESULTS

Unfortunately, few statistical returns are available that would justify absolute deductions as to home care *versus* institutional care, beyond quite remarkable evidence in the Infants' Home, Toronto, of the reduction in mortality, and an undoubted great advance in the avoidance of widespread inroads of contagions, infections and communicable disease generally so frequent in institutions.

On a cost basis, when capital, interest and depreciation charges of institutional plant are included, the costs of placing in a private home even on a high standard have been found to compare favourably with institutional costs in the experience of some of our largest Children's Aid Societies and long-established services, such as the Protestant Children's Homes of Toronto, which have changed entirely from institutional to private home care in recent years.

From the point of view of the agency, the great advantage of placing in a private home is its great flexibility—unlike the big institutional plant, it can be expanded or contracted immediately with demand, and it allows for as many varieties of care as the needs of different children may present. From the point of view of the child, it allows for individual treatment, impossible in a large group, and gives him the normal home life and experience of community living into which he is destined to fit, if the aim of child care be normal re-establishment in the community. Particularly has the system merits in a country of mixed races like Canada, where the young child particularly may be placed with people of his own race and tongue until familiar with the language and customs of the country.

The movement has suffered from the zeal of its advocates who have tended to stress the foster-home *versus* institutional care. Those Canadian agencies which have the most satisfactory developments to their credit argue for "the institution plus foster-home care", maintaining that some small but adequate reception,

shelter and observation centre is essential as the centre of selection, transfer and placing of the children whom they are studying for private-home care.

The dangers of the system are obvious—the tendency to place children “on the cheap” in homes where, on account of economic need, they may be sought for the boarding-home fee, or in homes already in receipt of other forms of public aid, in an endeavour to keep down costs. The tendency to “farm children out” for “their keep”, in return for work, is also one of the evils that can very easily develop from careless placing by the overcrowded agency or financially harassed public department.

These dangers can be met by the education of the public, and consequent public enactments as to the necessity for the enforcement of minimum standards of investigation, placing, service and supervision as an essential part of any programme of child-placing.

While several Canadian agencies can adduce services of the highest standard, honesty compels the recording of the known fact that, in some of our provinces, the placing of children in private homes is sometimes done carelessly and far too cheaply, with inadequate investigation, subsidies that are thinly veiled relief and insufficient to ensure proper care, and under supervision that is too infrequent to be effective. There is also no doubt that young boys and girls are too often placed in work homes for such maintenance and pittance of payment as border upon exploitation. In some of the districts in which children are still admitted to care in poor law institutions, the standard of institutional care is similarly unjustifiably low, and too frequently associated with a system of cheap “farming-out” of unfortunate children in the neighbouring districts.

In the province of Quebec, where, as already stated, institutional care on a large scale is predominant, it is, on the whole, of a high standard, because entrusted in most cases to religious bodies with long experience in the operation of child-caring institutions. Quebec is known for an intensive home life in villages and rural areas, and the large family of the French Canadian tiller of the soil is characteristic. This situation contributes peculiarly to the necessity of special care, when several young children of one family may suddenly stand in need of care outside their own homes. Even in the homes of relatives

and friends, frequently in humble circumstances, already with their own small beves of children, "fosterage" of other children is not uncommon, but, on the whole, the well-operated orphanage of the diocesan religious order, with its attached school, provides an answer in keeping with the traditions and inclination of the predominant population of Canada's oldest province. Recently, however, many of these orders, faced with growing populations, especially of older children, are developing "Bureaux de placement" for the location of adoptive homes, and the free placing of older boys and girls on apprenticeship, or in agricultural or domestic employment.

* * *

If these reservations are borne in mind, together with the fact that Canada can lay but modest claim to any uniformly high standard in any one province, this memorandum may be said generally to indicate the principles towards which the greater number of her child-caring services are striving.

Annex

1. SPECIAL TYPES OF PLACING

(a) In Canada, in recent years, the practice has developed in several centres of placing children back with their own parents, with grants in aid, either through the public relief departments, or from the child-caring agency, or frequently with the assistance of a visiting housekeeper service, in the hope of re-establishing the family as a unit. Of course, the Children's Aid Societies and provincial child protection authorities have for years followed the practice of retaining children in their own homes under supervision. This is really an extension of the same principle with recognition of the need both of supervision and of economic aid. Precedents exist for the reconstitution of the parents' own guardianship over the child in some of those cases.

It is to be noted that, with 14,607 children under care of the child protection agencies at the last Dominion census, 4,111 were under care in their own homes.

(b) Under the system of mothers' allowances referred to in

the memorandum, some of the provinces, especially Manitoba and Ontario, have developed fairly extensively the practice of placing children in private foster-homes under the supervision of the services administering mothers' aid, whereby children, doubly orphaned, or with the mother in a mental asylum or in other special circumstances, practically place the child "at board", and pay on its behalf what would otherwise have been paid to the mother as a fit and proper guardian.

2. HOME CARE OF THE BLIND CHILD OF PRE-SCHOOL AGE¹

It is an undeniable fact that the incidence of blindness in infancy and early childhood has greatly declined in recent years. This is due to several factors : (1) improved measures for combating ophthalmia neonatorum; (2) improved facilities for clinical and prevention of blindness assistance to infants and children needing eye and health attention; (3) improved understanding by parents and guardians of health measures and eye attention necessary to avert serious and permanent trouble.

However, there still remains the necessity of recommending or providing care for blind children of pre-school age. In the last century, little attention was paid to the mental and physical development of this group. On occasion, parents consulted with authorities experienced in the education or the care of the blind, or with blind individuals as to what should be done. Generally, and all too often, however, parents treated such infants with effusive and even maudlin sympathy, to their obvious detriment. What school for the blind has not experienced children coming forward for education at the age of 7, quite untutored in proper methods of feeding, dressing and caring for themselves? In the later days of the last century, and early in the present one, at widely separated points in the civilised world, special efforts were made to provide homes specifically intended for the care and training of these blind children. In such homes, parents anxious to be relieved of the special care of their handicapped offspring lodged the blind child. Other parents anxious to take

¹ This section of the report was prepared by Mr. E. A. BAKER, General Secretary, Canadian National Institute for the Blind.

the best possible course were convinced that this special home was the proper solution of the difficulty. The result was that blind infants were collected from comparatively large areas, and even from distant points, and from the age of 1 or 2 years lost nearly all, and in many cases all, contact with the home life that is known by the average child. They became institutionalised even at this early age, and perforce were passed on to the sheltered life of a school for the blind until, at the time of graduation, they stepped out into the world with no experience of the life or even of the common every-day problems which they, newly arrived on the threshold of adult life, must face.

The Canadian National Institute for the Blind was organised in 1918. A programme of services was prepared and gradually developed. Institute activities stimulated public interest generally, with the result that, in the very early stages, a small group undertook to establish a central home for blind infants. After a considerable amount of money had been raised for this object, the Directors found themselves confronted with a serious problem. In spite of advertising, they had not been able to find a sufficient number of blind infants whose parents were willing to permit them to live in such a home to warrant its establishment. They then consulted with the National Council of the Institute. Since Institute registrations showed a comparatively small number of children between 1 and 5 years of age, and since these were scattered throughout the whole area of Canada, thus adding to other difficulties the separation of parents and children by hundreds and even thousands of miles, it was finally agreed that the establishment of such a home in Canada was not warranted.

To overcome the obvious disadvantages of a central home, both because of the institutionalising factor and because of the severance of family ties, the Institute approached the Canadian Council on Child and Family Welfare. As a result, an arrangement was reached under which the Council, as a Dominion-wide organisation working through provincial and local child welfare organisations, agreed to co-operate with the Institute in the case of all blind children of pre-school age. The Institute supplied parents and guardians with instructive pamphlets either directly or through the agency of the child welfare council.

It was further arranged that any orphaned blind child, or one

found in unsuitable home surroundings, should be placed in a carefully selected, suitable adoptive or foster-home. Where necessary, the Child Welfare Organisation would provide the normal maintenance requirements, and the Institute would provide such additional care as might be required on account of blindness. This arrangement has worked out satisfactorily in several cases for which it has thus far been necessary to provide. It is felt that the maximum benefits of suitable home care have been secured. This system of foster-homes for blind children not only provides new home advice and family life experience for small children, but it prevents them from becoming institutionalised in infancy. The system also has a financial value inasmuch as it avoids the use of public funds for an enterprise of highly questionable value.

United States of America¹

1. EXTENT OF CHILD-PLACING IN THE UNITED STATES OF AMERICA

The placing of children in family homes for care under conditions of normal family life is employed for children of all ages in the United States of America. The methods employed in foster-home placing are the outgrowth of long experience by both public and private agencies in developing a sound programme which would assure the selection of a foster-home suited to the needs of each child and safeguard the care given to him. The placing of dependent children in family homes is practised in every State in the Union, and both public and private agencies are engaged in providing this type of child care. It is estimated that there are more than 900 child-placing agencies and institutions placing children in family homes for temporary or permanent care. A number of these agencies have only a small number of children under care, whereas a few have more than a thousand children in foster-homes. The 1933 Federal census of dependent children under agency care showed 242,929 children under care on December 31st, 1933, which included 140,852 children in

¹ This summary was prepared by Miss Elsa CASTENDYCK, of the Children's Bureau, United States Department of Labor, Washington, D.C.

institutions; 66,350 children in boarding-homes; 31,538 children in free homes; and 4,689 children in work or wage homes. While less than half of the total number of children under care were in foster-homes, a large majority of these were in boarding-homes. Because the census was directed toward obtaining data from all agencies caring for dependent children, agencies caring largely for delinquent children were excluded unless they cared for a significant number of dependent children. It is therefore probable that the number of children in foster-homes as quoted above is indicative rather than an all-inclusive total of all children in foster-homes on that date.

2. DEVELOPMENT OF PRESENT CHILD-PLACING PROGRAMME

In the early years of the nineteenth century, the only provision for child-placing was an indenture system whereby local public officials were authorised to place children—usually those over 10 or 12 years of age—in family homes for apprenticeship. This indenture system, which was an outgrowth of the English poor law, was virtually ended by 1875, although the statutes providing for such care are still found in some States. The beginnings of the placing of children by private agencies began just after the middle of the nineteenth century. At that time, children in large numbers were placed in family homes, usually in rural areas, by some of the institutions caring for children. About 1863, a beginning was made in boarding-home care of children by private agencies, the children usually being placed with their relatives or with other "worthy persons".

Public programmes of child-placing began approximately in 1870, with the enactment of legislation in the State of Massachusetts requiring the placing in family homes of children who otherwise would be cared for in almshouses. At this time, the first provision was made for a State visiting agent and assistants responsible for supervising the children who had been placed out. At about this same time, a number of States, chiefly in the Middle West part of the country, created State institutions for the care of dependent children, which would serve as receiving homes for the children later to be placed in family homes. In these States, funds were also made available for visiting agents

to place the children and to supervise the care given. In the earlier years, the majority of the children placed by public agencies went to free homes in which the foster-parents provided for the entire cost and maintenance and care. The first State funds for boarding care for children were provided in 1882 in Massachusetts. These funds were available for the care of dependent and neglected children and for children brought before the courts as delinquent, who, it was judged, would profit by foster-home care.

Since these beginnings, there has been steady growth in the number of children accepted for placing in family homes by both public and private agencies. As previously stated, the total number of children under care on December 31st, 1933, in institutions and in foster-homes as reported by the 1933 Federal census covering the entire country, was 242,929, of whom 66,350 children were in boarding-homes and 36,227 in other foster-homes. An earlier nation-wide survey made by the Federal census in 1923 reported 213,590 children under care, while a survey of thirty-one States and the District of Columbia made in 1930 reported 186,460 children. Because of wide variation in the agencies reporting, the establishment of new agencies and the discontinuance of other agencies between the census dates, the figures are not strictly comparable. The relative proportions of children in institutions, in boarding-homes and in other foster-homes as shown by the three studies are, however, significant :

	Percentage		
	1923	1930	1933
In institutions	65.7	59.4	57.8
In boarding-homes	10.4	20.5	27.3
In other foster-homes	23.9	20.1	14.9

Although it is not possible to draw sound conclusions from these percentages without careful study of the reports of the individual agencies, it is generally conceded that there is a definite decrease in the use of institutions for dependent children and an upward trend in the use of boarding-homes.

3. LEGAL SAFEGUARDS

Although a large proportion of the children in foster-homes are placed by private agencies, public responsibility for their care is accepted in all but a few States by requiring a State department to license or to visit and inspect all institutions or agencies caring for children. The purpose of State supervision is to prevent agencies with undesirable standards from placing children, and to develop the standards of work of accredited agencies and institutions. The three States that have no supervisory control have few child-placing agencies. In nearly three-fourths of the States, the placing of children is further safeguarded by statutes prohibiting the placing of children by individuals or agencies that are not licensed for child-placing. This provision has been especially valuable in preventing the undesirable placing of infants of illegitimate birth.

Two other legal safeguards have helped to strengthen the child-placing programme. In nearly two-thirds of the States, all boarding-homes caring for children must be inspected and licensed by a State authority. In about an equal number of States, any agency bringing a child into the State must notify the State department of such placing and in some receive approval of the home in which the child is placed. The agency must also supervise the care given to the child as long as he remains in the State.

Children are accepted by child-placing agencies for temporary or for permanent care. Whenever a child must be permanently separated from his family connections or has no family, he is usually brought before the juvenile court and committed to an agency, which assumes the custody and control of the child and responsibility for the care given. In some States, transfer of custody of a child to a child-placing agency may be accomplished through a written surrender signed by the parents or legal guardian, but the number of States that have enacted legislation requiring court sanction or transfer of custody is steadily increasing. A large number of public and private agencies, especially State agencies, accept no children for permanent care and placing except through court commitment.

4. FACTORS DETERMINING THE SELECTION OF FOSTER-HOME CARE FOR CHILDREN

The acceptance of a child for care by a child-placing agency places upon it the responsibility for the selection of a suitable home for the child. The alternatives may be few, as the available resources may be limited in number and variety. Many agencies under public and private auspices provide a combined institution and foster-home service, thus offering a range of possibilities in the selection of the type of care given the child. Furthermore, public agencies and institutions finding themselves in need of foster-homes and without this service frequently utilise the resources offered by privately supported organisations. The selection, while based on available resources, is in most instances determined by the individual need of the child and the circumstances surrounding his removal from his home.

One of the first considerations in the placing of a child is the length of time he is likely to be under foster-care. In the case of a temporary and relatively short absence from his own home, which may be occasioned by the illness of a parent or other interruption of home life and where an early return to his home is anticipated, institutional care may be considered advisable. It is frequently possible in this way to keep the children of a large family together and not scatter them in several family homes. The painful experience of loss of his own parents and home may be increased if security in his own home and family is endangered by the emotional demands of foster-parents who desire affection from the foster-child. The impersonal atmosphere of the institution does not offer this threat to his parental ties. On the other hand, for the child who has been psychologically and physically rejected by his parents, the affectionate care of a foster-parent may be needed. In some towns, child-placing agencies provide so-called "housekeeper service", by means of which women hired and trained by the agency are in the home, usually during the day, for as long a time as is necessary to provide for the needs of the home and children. This service has been particularly valuable in the temporary absence from the home of the mother and where the father is a sufficiently stable character to

assume responsibility for the children when not at work. It cannot be said that the time element alone determines the care given the child by child-placing agencies in America.

The age and personality of the child in relation to the proposed foster-home is another consideration determining the type of care given a child. Dependent children who have been removed from the custody of their parents, particularly infants and young children, and for whom prolonged care is needed, if mentally and physically normal, are usually placed in adoptive homes. The boarding-home is frequently used in preference to the institution, especially for the care of infants, until an adoptive home is found.

With the increased use of boarding-homes for the care of children with behaviour problems, the personality of the child and the ability of the foster-home to provide adequate guidance have become important factors in the selection of a home. Recognising that some foster-parents desire an affectionate response from the child in addition to the financial remuneration, the selection of a home for the child who is physically unattractive or incorrigible must be made, in addition to other considerations, on the basis of the ability of the foster-parents to accept an "ugly duckling" or a child whose behaviour in school and the neighbourhood may cause embarrassment to them. Unless a home can be found where the child can be fully accepted, institutional care should be used.

A further consideration is the health of the child in relation to resources of the foster-home and community. A growing use of boarding-homes for the convalescent care of sick and crippled children is apparent in many parts of the country. In such cases, the skill and resources of foster-parents must be carefully compared with those provided in an institution. Decision as to whether a foster-home or an institution should be used will rest largely on the diagnosis of the physician and his recommendations in relation to the social situation. The accessibility of medical facilities is an important consideration in the placing of both convalescent and normal children.

Educational and vocational opportunities must be in keeping with the child's ability and interest, and the available resources may determine the type of home selected for the child.

The use of an institution as a "study home" where various scientific diagnostic services are provided is practised in some of the large towns under private auspices and in a few State programmes. In most instances, these institutions have also a child-placing service available within their own organisation. The flexible programme which results can be adapted to the needs of the child when received and as he progresses in his development.

It would be too much to state that all child-placing agencies and institutions are placing children only after careful consideration of the child's individual needs and that all of the foster-homes have been selected only after their suitability had been determined by a searching investigation. It may be said that the constantly increasing volume of knowledge relating to the behaviour, health and education of children is continuing to modify and shape child-placing programmes. Social workers have seen the contribution which the medical field (including psychiatry), psychology and education can make to child care and have added specialists in these fields to the staffs of child-placing agencies. While this is primarily true of organisations in urban communities and particularly so of private agencies, some public and State-wide programmes include persons giving one or all of these specialised services. The assistance of public educational and health agencies, both in local and State-wide programmes, is quite generally sought in an attempt to provide the foster-child with a well-rounded programme of care which will be adapted to his needs.

5. TYPES OF CHILDREN PLACED

A large proportion of the children accepted for care by child-placing agencies are dependent or neglected. There is, however, an increasing use of boarding-homes for children who are delinquent or who are exhibiting conduct difficulties which may lead to delinquency. Two States, Massachusetts and Virginia, have recognised in legislation the need for foster-home placing of this group of children and have authorised State departments to accept delinquent children for care and to provide for them in foster-homes. The State department in Massachusetts usually has under care about 200 wayward or delinquent children, most

of whom are cared for in boarding-homes. In Virginia, all delinquent children needing State care are committed to the State department, which places them in institutions or family homes, depending on their needs. This department in 1935 had about 500 delinquent children in foster-homes, nearly three-fifths of them being in free homes. Child-placing agencies supported by voluntary contribution also use boarding-homes for delinquent and maladjusted children.

The boarding-home is also used by some agencies for the care of children with behaviour problems when the parents are not able to give the constructive guidance and care necessary to prevent continued maladjustment and possible delinquency. In such cases, placing is usually independent of legal action, the parents retaining full parental rights. Children who have been adjudicated delinquent by juvenile courts and temporarily removed from parental control may be placed in boarding-homes. In a few instances, this is done by the court and more frequently by voluntary agencies co-operating with the court.

Children who are mentally deficient but able to live happily in the community if given careful supervision, comprise another group of children that has been cared for in boarding-homes in Massachusetts, and to a smaller extent in Minnesota, Virginia and other States. Some of these children may later be committed to State institutions for the feeble-minded or may remain under general supervision even through early adulthood until an economic and social adjustment has been made.

A specialised type of boarding-home for the care of sick children, which may follow or precede hospital care, is provided for children where the parental home is unsuited for such care. While this is more general in large towns, it is also found in smaller communities under the auspices of public or private agencies or through the collaboration of both.

There is much variation in the age-limits provided in the different States for the acceptance of children and for the duration of their guardianship, 17 years being the maximum age at which children are accepted for care. Practices among private agencies vary widely, and the children may range in age from infancy to maturity. The desirability of private home care for infants is recognised and widely practised. However, institutional care

for young children is not unusual, especially where the transition to a foster-home programme has not been accomplished.

The statutes of all but a few States provide that the guardianship of children under State care may be retained by the State placing agency until they become 21 years of age or during minority. It is thus possible for many children to be supervised by the State during the period of later adolescence. Private agencies likewise frequently carry on supervision until the child becomes economically and socially independent.

There is legally no discrimination on the basis of race in the placing of children in foster-homes. One of the most significant facts of the 1933 census was the predominant use of boarding-homes for negroes and of institutions for children of races other than negro or white. Data assembled at this time indicate that the care of children in institutions and boarding-homes by race or colour was as follows :

Colour or race of child	Total children	In institutions	In foster-homes		
			Boarding	Free	Work or wage ¹
White	222,788	131,267	57,767	29,273	4,481
Negro	15,883	5,401	8,213	2,108	166
Other races ..	4,258	3,684	370	162	42
Total...	242,929	140,352	66,350	31,538	4,689

Analysis of the reports of individual agencies indicates that the majority of the children of "other races" were children of American Indians who were being cared for largely in mission schools.

More than four-fifths of the children in boarding-homes were living in the New England, Middle Atlantic and East North Central States. Since the negro population of the United States is predominantly in the Southern and Gulf States, it is evident that increased provisions for the care of negro children are greatly needed in many of the States.

¹ May include some children with their mothers.

6. TYPES OF FOSTER-HOMES IN WHICH CHILDREN ARE PLACED

The special needs of individual children, and the type of care that is required, have resulted in the development of four different types of foster-homes: (1) Boarding-homes in which a child may be placed when only a short period of care is needed, or for the entire period of agency care when this seems desirable, the board being paid by the agency responsible for the placing; (2) free homes in which the foster-parents assume the entire cost of care; (3) work homes for older boys and girls, who, in addition to paying for their maintenance through their work, receive a small wage; and (4) adoptive homes in which children are placed for adoption.

There is much variation throughout the country in the extent to which child-placing agencies are providing for children in cities, towns or rural areas. The use of foster-homes in suburban and semi-rural areas rather than rural ones has increased with understanding of the need of educational opportunities for children placed in foster-homes and the desirability, especially for children beyond the pre-school age, for social contact with other children. The difficulties encountered in supervising children placed in rural homes also tends toward the concentration of children in less isolated areas. There is, however, a constant demand for children from persons living in the country, and, in many cases, younger children in free foster-homes and older boys and girls in work homes are placed in farm homes.

It is generally accepted by child-placing agencies that, in selecting a home for a child, consideration must be given to his intellectual abilities and social background and to the type of home in which he can make the happiest adjustment. An effort is made, therefore, to find a home suited to the child's needs, and one which will provide a desirable standard of living, in which he can develop satisfactorily. Among the homes selected for foster-care by the better child-placing agencies will be found a wide variation in economic resources and cultural background. In a large proportion of foster-homes, the standards of living are modest. Although the agency may fall short of its goal, an attempt is made to provide physical comfort, economic security and satisfactory home life for every child.

Regulations and policies as to the number of children boarding in a home vary from State to State. Not more than four children unrelated by blood in one foster-home is regarded as satisfactory in some States. The placing of brothers and sisters in the same home is encouraged and may result in exceptions to the general rule as to the number of foster-children in one home.

The age of foster-parents depends upon the type of placing. Adoptive homes are usually those of young persons. Parents in boarding-homes may range from the childless young couple to those whose own children are mature. Physical vigour is required for the rearing and training of children, and agencies are discouraged from choosing elderly foster-parents. Good child-placing agencies regard the use of the home of a spinster or bachelor as fraught with possible danger. The possibility of a strong or unwise emotional attachment is greater in such situations and may be an unwholesome influence.

7. GENERAL CONDITIONS GOVERNING THE PLACING OF CHILDREN

Because of the wide variation in the conditions that govern the placing of children in family homes by private and local public agencies, the following discussion is confined to State child-placing programmes, since the laws authorising such works provide rather specifically the general conditions which must affect the work of the agency. Seventeen of the forty-eight States and the District of Columbia have child-placing programmes providing funds for the board of children placed by the State department or State institutions. In twelve States and the District of Columbia, the majority of the children under care of the State are placed in boarding-homes. The largest State appropriation for care of children in boarding-homes is made in Massachusetts, amounting to about \$1,400,000 in 1934. In the States that have a small boarding-home programme, State boarding funds may amount to only a few thousand dollars a year.

Written contract between the State placing agency and the parents in the home in which the child is placed is required by law in a number of States. The types of contracts used vary all the way from a formal contract setting forth conditions that must be fulfilled, to a written agreement as to the relative

responsibility of the State and the family in the care of the child. It is generally accepted that the latter plan is the most desirable, as it gives the foster-home a clear statement of what it is expected to do, and yet emphasises that final guardianship is vested in the State.

When a child of school age is placed in a foster-home, the family is expected to send the child to the public schools,¹ the cost of education being paid by the school authorities. The only State in which the State department assumes complete responsibility for the education of children placed in foster-homes is Massachusetts, which reimburses the local school authorities for the cost of the education of children placed in family homes. If the foster-parents wish to send the child to a parochial school rather than to the public schools, they must pay the cost of tuition. It should be noted that in about one-fourth of the States the law requires that children should be placed in family homes having the same religious affiliations as their parents. Child-placing agencies supported by private funds recognise the necessity for providing full educational opportunities for the children in their care and generally avail themselves of the opportunities for public school education. However, those agencies supported by sectarian organisations may provide education through parochial schools.

When children who are wards of State departments are intellectually and physically able to carry their education on into college or advanced vocational schools, every effort is made by effective State departments to obtain funds or to provide scholarships that will make it possible for the children to get this advanced education. Where State funds are not available, the interest of private persons or agencies may be enlisted to assist the boy or the girl.

There is general acceptance in all of the States undertaking a State child-placing service, that it is essential to provide supervision for the children that have been placed in family homes. The most usual method of providing for this supervision is to employ a staff of caseworkers, who go out from a central or a

¹ Public school in the United States of America means a school provided by the public authority under the Compulsory School Attendance Laws.

district State office to visit the homes in which children are placed. Such visitors are responsible for the whole programme of the child's care, including his education and attention to physical and mental health, as well as his social contacts. State agencies generally avail themselves of the services of public health agencies and hospitals supported by tax funds. Private agencies, on the other hand, frequently have on their own staff psychologists, psychiatrists and other specialists. In a few States in which the State department has a limited staff or no staff for this work, some provision is made for a local welfare department or private agency co-operating with the State to visit the child and report upon the situation in which he is found.

In general, it may be said that many of the private child-placing agencies, particularly those in large cities, are well equipped with trained social workers to provide supervision of the foster-homes and foster-children. In some of the larger cities, agencies providing foster-family care, particularly boarding-home care, have recognised the necessity of foster-parents who are informed in the modern concepts of child care. They have provided training courses in child psychology and methods of child care, and have urged the participation of their foster-parents in parent-teacher groups and other organisations associated with the public and parochial schools which the foster-children are attending.

8. RETURN OF CHILDREN TO THEIR OWN HOMES FOLLOWING PLACING

In the United States, the return of children to their own homes after acceptance of the children for placing in foster-homes by a child-placing agency is usually due to one of two situations: either the child has been accepted for temporary care only, or, after a more thorough investigation, it is found that, with some financial assistance or readjustment in conditions, the family can resume care of the child.

The use of foster-homes rather than institutional homes for the care of dependent or neglected children or children with conduct difficulties who need to be cared for temporarily away from their own homes is found in various localities throughout the United

States. Such children are returned to their parents after the cause of removal of the child from its home has been overcome or the period of treatment in a new environment has been completed. The agencies responsible for the placing usually maintain supervision of the child after his return until assured of satisfactory readjustment of the problems in the home.

There is general acceptance throughout the United States of the principle that no child should be permanently separated from his family if it is possible so to rehabilitate the home that it can provide the essentials of satisfactory family life. When the inability of the parent to support the child is found to be the major reason for commitment to an agency, it is often found possible to board him with his own parents, the agency supervising the care given as in a boarding-home. In a study made in 1930, it was found that 2,054 children under the supervision of institutions and agencies were being boarded in their own homes.

9. COLLABORATION BETWEEN PUBLIC AND PRIVATE CHILD-CARING AGENCIES

There is a growing recognition of the advantages of a flexible, well-rounded programme which will provide the variety in foster-homes and institutions which is needed to care for children of all ages and conditions. Specialisation exists as to the age, religion, race and problem presented by the child accepted for care by some private and sectarian agencies. State programmes for child welfare are designed to meet the needs of children generally, with specialised services more highly developed in some States than in others. Private and sectarian agencies which are organised on a State-wide basis in many parts of the country provide, as do local organisations, the opportunity for co-operation between public and private child-placing services. There is a trend toward localisation in county units and away from centralisation in State welfare departments of direct care for dependent and neglected children in foster-homes or institutions. The responsibility for the development and maintenance of proper standards of child-placing by the local units rests upon the State welfare department. Representatives of the leading public and

private child-caring agencies at a meeting held under the auspices of the Children's Bureau in April 1937 discussed the value of close co-operation between public and private child-caring agencies. Excerpts from the report of this meeting are given in the chapter on "Collaboration in Placing between Public Authorities and Voluntary Organisations".¹

10. THE SOCIAL SECURITY PROGRAMME AND ITS PROBABLE EFFECT ON BOARDING-HOME CARE

The Social Security Act, which was approved on August 14th, 1935, is a major advance in provision for child welfare throughout the United States. Among the other provisions which were devised to assure some safeguards against the insecurities of life for both children and adults is that portion of the Act which provides for the protection of children who are in need of special assistance by :

- (1) Grants to States to assist in meeting the costs of aid to dependent children (mothers' aid);
- (2) Grants to States to assist in meeting the costs of maternal and child health services;
- (3) Grants to States to assist in meeting the costs of services for crippled children;
- (4) Grants to States to assist in meeting the costs of child welfare services.

All but the second of the four categories described above will in time have some effect on boarding-home care for children.

Aid to Dependent Children under the Social Security Act represents Federal recognition of the value of home life and particularly the home of a parent or kin for the care of children. For the purpose of that portion of the Social Security Act which provides for care of dependent children in the home of a parent or near relative, the Social Security Board has defined broadly a dependent child as a "child under the age of 16 who has been deprived of parental support through death, absence or incapacity

¹ See Volume I, page 104.

of a parent and who is living in a private home maintained by immediate relatives ”.

Upon the approval by the Social Security Board of plans for providing services to such children, the Federal Government pays to the State an amount equal to one-third of the sum expended under such approved plan up to \$18 per month for the first child and \$12 per month for each additional child in the same family. Most of the States had already had so-called “ Mothers’ Pensions ” or “ Mothers’ Aid ” services, some being State-wide in operation and others covering only certain counties. However, the opportunity for Federal sharing in the expense of these services has increased the area in which such grants are available. While it is true that the advantage of maintaining a child in his own home has been recognised in principle, nevertheless, children have on occasions been removed from their homes for purely economic reasons..

On August 27th, 1937, the plans of thirty-seven States and the District of Columbia and Hawaii had been approved for Federal aid to dependent children, and, during June 1937, 425,065 children were being aided in their own or near relatives’ homes in these States. The extent to which the boarding of children in homes other than their own will be lessened by this Act cannot be estimated at present. However, the extension of opportunities for such care will undoubtedly increase the number of children in the homes of relatives and reduce the number of children in institutions and boarding-homes.

Grants to States to assist in meeting the cost of services for crippled children as described in (3) above will stimulate the use of boarding-homes for their care when their own homes are not suitable, and during periods of medical treatment which cannot be provided in their own communities.

Grants to States to assist in meeting the cost of child welfare services makes possible the extension, especially in areas predominantly rural and other areas of special need, of services for the protection and care of homeless, dependent and neglected children and children in danger of becoming delinquent, and provides assistance to State welfare departments in encouraging and developing adequate methods of community child welfare organisation. An amount of \$10,000 is available for allotment to

each State, plus an additional sum, based on the proportion of rural population of each State to the total rural population of the United States. These funds are available to State public welfare agencies and are administered by them. By June 30th, 1937, forty-four States and the District of Columbia had had their plans approved and were carrying on some type of programme of child care and protection. Of necessity, these programmes vary widely, since they are based on the needs of individual States and are designed to serve them as completely and efficiently as possible. The funds do not provide for the payment of boarding-home care, but, in many States, child welfare workers are assisting in finding homes and supervising children placed in such homes. Emphasis is being placed on provision for the child in his own community when possible and on boarding-home care to meet special needs in cases where legal commitment is not necessary. Facilities for psychological and psychiatric studies of children are also being encouraged under this plan. These opportunities for study and care of children in areas which have had limited child-welfare services or none at all will, no doubt, result in an increased use of boarding-homes for child care.

The Social Security Act, through Federal aid to promote the care of children in the home of a parent or relatives, provides a means of reducing the number of children in boarding-homes and institutions, while the use of funds for the promotion of child welfare services will bring to the attention of social workers many children who will profit by foster-care in an institution or family home. Higher standards of child care will be the result of trained personnel, both of which are much needed in some areas, and will be possible with more adequate financial support.

SOUTH AMERICA

Argentine Republic

The system of the placing of children in families has been applied for some years past by the Infant Welfare Society and the National Association for Minors.

The results obtained are less satisfactory than in other countries because the Argentine Republic is an immigration country where working-class families, both Argentinian and foreign, are very large. Owing to their precarious economic situation and to the fact that they are obliged to move from place to place in search of work, it is these families that supply the largest number of children who have to be educated at State expense in official institutions.

The placing-out of children in families must be regarded in the Argentine Republic, not as the usual system, but as subsidiary to the system of education and instruction in special establishments and institutions commonly applied.

The experiences of the Welfare Society of Buenos Aires in this field were as follows :

The placing-out of children in families which treat them as if they were their own usually yields satisfactory results, the number of cases in which this system has failed being estimated at no more than 10%. These satisfactory results are attributable to the fact that applicants are very carefully selected, the fullest possible particulars being obtained beforehand in order to ascertain whether they are capable of meeting the child's needs—both moral and material. The home of the foster-parents is also inspected before the child is entrusted to their care, and once a year thereafter, or as often as may be necessary until the minor reaches the age of 22 or is emancipated through marriage.

This means that the family carries out its promised obligations under the permanent supervision of the Commission responsible for the General Register of Children, a body set up by the Society to deal directly with these cases.

Another reason for the success of this system is that preference is given to childless couples, who must have been married for at least five years and who are required to produce a medical certificate.

The following table shows the number of children entrusted to families, by year and by sex, for the last seventy-three years :

Children placed out in Families.

Year	Boys	Girls	Total	Year	Boys	Girls	Total
1865	18	31	49	1902	157	221	378
1866	16	24	40	1903	98	217	315
1867	22	35	57	1904	87	212	279
1868	18	24	42	1905	68	157	225
1869	27	29	56	1906	58	135	188
1870	16	18	34	1907	66	157	223
1871	13	11	24	1908	37	122	119
1872	15	27	42	1909	38	86	124
1873	33	42	75	1910	75	134	209
1874	22	37	59	1911	55	136	191
1875	42	76	118	1912	74	176	250
1876	62	88	150	1913	65	131	196
1877	56	78	129	1914	49	116	165
1878	52	77	85	1915	31	69	100
1879	37	48	129	1916	26	80	106
1880	51	78	129	1917	36	104	140
1881	63	90	153	1918	33	133	216
1882	82	100	182	1919	19	88	107
1883	80	132	212	1920	38	111	149
1884	53	72	125	1921	17	71	88
1885	32	55	87	1922	35	81	116
1886	26	64	90	1923	14	62	76
1887	17	59	76	1924	23	74	97
1888	25	58	83	1925	30	60	90
1889	51	91	142	1926	5	28	33
1890	50	98	148	1927	3	40	43
1891	111	129	240	1928	8	46	54
1892	57	82	139	1929	8	41	49
1893	98	131	222	1930	14	65	79
1894	58	145	189	1931	9	45	54
1895	86	163	231	1932	8	17	25
1896	69	122	232	1933	10	52	62
1897	46	109	168	1934	9	25	34
1898	63	152	172	1935	17	35	52
1899	94	131	246	1936	11	64	75
1900	86	142	217	1937	32	46	78
1901	128	197	325				
				Total ...	3,213	6,509	9,722

In view of the fact that Argentinian laws do not allow a child to inherit from his foster-parents, even if they desire him to do so, and of the necessity of providing for his future once he is emancipated, it has been arranged that, starting from the second year during which they have had possession of the child, the foster-parents must deposit 5 Argentine pesos each month with the Institution on behalf of the child entrusted to their care.

This money is collected and administered by the Institution

and the total amount, together with the interest earned, is handed over to the ex-minor when he or she is emancipated by marriage or attains his or her majority.

As a rule, children are entrusted to foster-parents when they are between 3 and 6 years of age.

Uruguay¹

REGULATIONS FOR THE PLACING OF PROTECTED CHILDREN IN FAMILIES

1. *Placing of Assisted Children in Families in Return for Payment of Board.*

The system of placing children in families has been widely developed in Uruguay, especially since the establishment of the Children's Council, which regards it as the best solution for the problem of homeless children. At first, the system was used only for infants; they were entrusted to nurses, who provided them with the natural food necessary to their age.

Then, by the Public Relief Law of 1910, it was extended to abandoned minors between the ages of 3 and 14 connected with the Larrañaga Home, so called after a priest who distinguished himself at the time of the Independence for his devotion to child welfare. During the period of office of the Child Welfare Ministry, it was considered that the placing of children in families might in many cases be a suitable way of dealing with adolescents leaving the educational colonies.

The results of the experiment confirmed the hopes that had brought it into being.

Children are never placed in families without a preliminary observation period in which their physical characteristics and the environmental conditions in which they were living at the time when they were abandoned are carefully studied. The choice of foster-mothers is made under very exacting conditions, and both the children and the foster-mothers are kept directly under the close supervision of the establishment, through the medium

¹ This summary was prepared by M. Roberto BERRO, Chairman of the Children's Council, Montevideo.

of the district doctors and the appropriate social welfare workers.

In support of the above remarks, we give below the relevant parts of various regulations :

(a) Regulations of the Office for placing Children in Families of the Larrañaga Home;

(b) Provisions concerning foster-mothers, the Children's Home and the Larrañaga Home;

(c) Duties of the social welfare workers in both establishments.

In 1935, the Infants Division placed about one thousand children with nurses (for children under 12 months) or with foster-mothers (children under 3 years), a monthly payment of 12 or 14 pesos being made for each child. The city of Montevideo, with a population of 800,000, is divided into fourteen districts, in each of which there is a milk distribution centre under a doctor and various social welfare workers, who supervise these children who have been placed in families.

In the same year, the Larrañaga Home had 2,574 children between the ages of 3 and 14 living in families at the rate of 10 pesos for each child, and 1,825 receiving free board.

The number of pupils leaving the minors' educational colony in that year to stay with families on the local farms was as high as sixty-eight. For each of these adolescents, a monthly payment of 15 pesos was made.

The total number of minors placed in families is continually increasing, and, in the opinion of the authorities, can be limited only by the financial resources of the budget and by the difficulty of finding suitable families in towns, where supervision by inspectors can be exercised most closely and effectively.

2. *Placing of Assisted Children in Families without Payment.*

The Children's Council established a distinction between children whose board was paid and those who were placed in families free of charge. In the latter case, a thorough enquiry is made into the motives that led the family to ask for a child, and the family's means and its respectability.

When the decision is favourable, the future foster-parents sign a contract by which they undertake to meet the child's material and moral requirements, to see that he is educated and to help him to become self-supporting. These children are regularly visited by inspectors, who keep watch over the education and care they receive. One of the objects of such supervision is to prevent the exploitation of children, especially girls over 12 years of age, who are frequently employed in domestic service. At the same time, the employment of children for domestic work is authorised, in certain cases, under the supervision of the district inspector, whose duty it is to prevent all abuse and to see that the laws concerning compulsory school attendance and child labour are obeyed. The foster-parents of children intended for such work have to set aside for them a monthly sum of money (3 to 5 pesos), which they deposit in the National Postal Savings Bank and which will be given to the children as a lump sum when they come of age. For this purpose, the Children's Council had the sum of 79,670.19 pesos deposited in the National Savings Bank at the end of May 1936.

3. The System of Placing in Families in Preference to Internment in Institutions.

During the past few years there has been a tendency to prefer the boarding-out system to internment in institutions for children coming under the control of the Children's Council. In 1929, out of 4,499 children in the care of the Older Children Division, 83% were placed in selected families; in 1933, the corresponding figures were 5,208 minors, or 81%. In 1935, out of 5,053 children between the ages of 3 and 14, the percentage of those placed in families reached 85.

This preference for placing children in families instead of in institutions is emphasised in the Children's Code of 1934. A chapter in that Code concerning the protection of children between the ages of 3 and 14 stipulates that, in cases where it is necessary to take children away from their families, they should be placed in other families rather than in institutions; the Code also provides that the supervision of these minors should be thorough and scientifically organised.

4. *Placing of Children in Other Families by their Parents.*

The Law passed by the former Public Welfare Ministry in 1920 did not provide for the supervision of minors, not under the care of the public authorities, who had been placed by their parents in strange families. The Public Welfare Administration was obliged on request to state the names of families ready to receive such children. This information was to be given free of charge, but the Administration declined all responsibility for such families. The Children's Code of 1934 changed the situation and greatly improved it, by extending the provisions of a Law passed in 1919, similar to the French Roussel Law, which applies to children under 3 years only, to include children up to the age of 12. It forbade parents or guardians to place such children in strange homes without the authorisation of the Children's Council set up by the Code as a State child welfare body.

5. *Regulations concerning the Placing in Families of Children in Moral Danger and of Wayward and Neglected Children.*

The practice of placing in families has also been employed for children in moral danger and for wayward and neglected children.

A Law of 1911 on the custody of children in moral danger, the reform of neglected young people and the setting-up of a Minors' Welfare Council provides that children in moral danger may be placed in such families as offer sufficient guarantee that the children will receive suitable care and education in accordance with the provisions of that law. The Minors' Welfare Council has to watch over the treatment of the children. The law also authorises the organisation of welfare societies, which amongst other duties have to co-operate with the Council in the placing of minors and adolescents in families and in the supervision of their treatment.

Chapter 2 of the 1934 Children's Code authorises the judge of the minors' court, who is the director of the Legal Division of the Children's Council, to place persons under 18 who have been found guilty of a delict or an admonishable act, and young people and adolescents in moral or physical danger, in families that may be related to them or not, with or without special

supervision. The second category of young people and adolescents includes those incited by their parents or guardians to commit acts that may be harmful to their physical or moral health, those who are vagrants or beggars, those who frequent gaming-houses or places of ill-fame, those who are in touch with persons leading an immoral life and girls under 18 and youths under 16 who are itinerant vendors or are engaged in occupations that may be harmful to their physical health or their morals. In cases where the young persons or adolescents in this category have been taken away from their parents and placed in other families, judges may order the parents to pay fixed monthly sums to the families in question.

6. *Supervisory Authority.*

When the first Law concerning the Supervision of Minors placed in Families was promulgated in 1910, the National Public Relief Authorities were entrusted with the duties of supervision, except the custody of children placed by a decision of the judge, in which cases supervision was carried out by the Minors' Welfare Council.

In 1931, the National Public Relief Authorities were replaced by the Council of Public Health, which, in turn, was transformed in 1934 into the Ministry of Public Health. Since April 1934, when the Children's Code was passed, the supervision of young persons from birth to the age of majority has been in the hands of the Children's Council, which has autonomous powers.

7. *Qualifications for the Post of Inspector.*

The term "inspector" was used until 1934, when the Children's Code was passed; persons were appointed to such posts for their moral qualities and personal repute, and no real competence was demanded. Since then, the term "inspector" has been replaced by the expression male or female social welfare worker, and although former appointments have been retained, new-comers, whose number has considerably increased, must be trained in a School of Social Service.

The Ministry of Public Health has possessed one of these schools since 1935; but, strictly speaking, it trains a staff more suitable for the duties of nurse than for those of social welfare worker.

In 1937, a Catholic School of Social Service was inaugurated in Montevideo, devoted, in accordance with current programmes, to the training of social welfare workers for general purposes.

In the same year, the Children's Council created the post of Director of the Social Service Division, which division will shortly set up a social service school connected with the Children's Council for the training of the whole staff of social workers which will be required in view of the development of child welfare work in Uruguay.

8. *Future Developments implied by the Application of the Children's Code.*

The application in 1934 of the Children's Code, which modernised child welfare methods, including the placing of minors in families in Uruguay, opens up the prospect of wide developments in the future. The Code lays special stress on the appropriate training of those engaged in social service, improvements in the supervision of young people placed in families by their own parents and the co-ordination of the whole child welfare work in a single national organisation. The Government began to carry into effect the provisions of the Code shortly after its promulgation.

SECTION C.—OCEANIA

AUSTRALIA

New South Wales¹

I. LEGAL PROVISIONS FOR BOARDING-HOME CARE

Boarding-home care for children exists in New South Wales under two systems. Both are controlled by provisions of the Child Welfare Act of 1923, amended in 1924, 1925 and 1930.

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

(a) *Wards of the State.*

The first system is provided for in Section 9 and applies to children who are wards of the State. Children may come under the control of the Child Welfare Department by reason of committal by a children's court as neglected or uncontrollable children or juvenile offenders. They may also be admitted to care under Section 9 of the Act upon application of the guardian in whose care the child is, where the circumstances are such that the legal guardian is unable to continue guardianship. Children deserted or abandoned by their parents may be admitted for care by the State.

(b) *Children apart from their Mothers.*

The second system relates to Part V of the Child Welfare Act, which provides for the control by the Child Welfare Department of places "established or used for the reception and care of one or more children under the age of 7 years, apart from their mothers". Such places must be licensed and are subject to inspection by departmental officers.

The placing of children who are wards of the State in private homes as described in (a) has been in operation in New South Wales for more than fifty years. The control of places used for the care of children apart from their parents (b) has been a part of the law of the country since 1892.

2. TYPES OF CHILDREN BOARDED AND HOMES USED

Boarding-home care is more generally used for neglected and dependent children than for the delinquent child; that is, those brought under the control of the State by action of the children's court for neglect, or admitted on the request of parents or guardians because of the latter's inability to provide for them. In certain cases of erring or delinquent children, although formally charged before the children's court with uncontrollability or for a specified offence, the circumstances of the case as revealed by the children's court action disclose that the child is not of a type as to require detention in an institution. In such cases, boarding-out under other guardianship and environment would be resorted

to. In other cases of uncontrollable or delinquent children, where it is considered that detention and training in an institution is desirable, such course is followed, and when the child is considered to have progressed at the institution to a stage warranting his being placed under ordinary home conditions again, where his parents or ordinary guardians are unable to provide for him or are considered unsuitable to provide for him, the child may be transferred from the institution to be placed in a boarding-home (see Section 20 of the Child Welfare Act), and would then be boarded, in the same way as children who have not been inmates of institutions, with a guardian selected by the Department.

Children are placed with families from early infancy. The Department, however, has a hostel in which very young babies if admitted to control are placed and reared until they have reached a stage of development where it is considered that the child may suitably be placed with a guardian. The child may remain under the guardianship of the family or be removed to other guardians as required up to 18 years of age. The Department's control ceases at 18 years of age, but there are numerous cases in which children so placed with families remain in the care of that family long after 18 years of age. The Minister controlling the Child Welfare Act or the Secretary or other authorised officer of the Department under delegation of the Minister has authority to determine duration of guardianship in the case of any child under the control of the Department.

Children are placed both in towns and in the country. In the metropolitan area, preference is given to guardians whose homes are situated in the less thickly populated suburbs and in the country districts close to the towns. Regular school attendance is required of all children in boarding-homes who are of school age, as well as church and Sunday school attendance. This makes it necessary that the guardian's homes should be situated within reasonable distance of these facilities. The cost of transport is another factor which operates in the consideration of selection of suitable homes. Selection of a home in an isolated situation is avoided unless special reasons exist for including it.

Applications for guardianship of children are received and all such applications are reported on by the Department's inspectors.

The homes of approved guardians are required to be such as provide proper accommodation for the children concerned and the financial circumstances of the family such as to make it reasonable to expect that they can undertake the guardianship of a child under the limited amount of maintenance paid by the Department—namely, 10s. per week, except in special cases. The Department seeks to ensure that the persons whose homes are approved to receive a foster-child are those who seek a child for reasons other than pecuniary benefit. Due consideration is given in selection of a home to the needs of the child to be placed with a view to his satisfactory adjustment.

3. REGULATIONS AND CONDITIONS DETERMINING BOARDING OF CHILDREN

(a) *Regarding Care of Wards of the State.*

The family boarding a child is required to care for it as a natural child of the family would be cared for. All children placed are subject to inspection by departmental officers and the Department also co-opts the services of suitable local persons who may be expected to acquaint the Department promptly should there be any question that the child is not being properly looked after by the family with which it is placed. There is no specific agreement applying to children under 14 years of age, but if after they are 14 years old they are placed in the service of a guardian, an agreement is provided.

The guardian is paid maintenance by the Department to the extent of 10s. per week and the Department meets the cost of medical and dental attention required for the child. An outfit of clothing is issued for the child when the child is placed, and the guardian is expected to keep that outfit up to standard—that is, provide replacements as required at his or her own expense. Payment is continued up to 14 years of age, to extend to 16 years of age in special cases. Maintenance above 10s. per week to £1 per week is paid in cases calling for special care.

The family is required to provide for the child's religious instruction, to see that he attends church and Sunday school, if

any, regularly, and that the child's general training includes proper recognition of religious duties. All children are required to be kept at school until they reach the age of 14 years, although certain cases are continued beyond that age up to 16. Where circumstances require it, vocational training at technical colleges is provided and the expense in connection therewith is defrayed by the Department. Such technical training is designed to increase the opportunities to a child for obtaining employment in a particular direction for which a child may be particularly suited or for which he shows definite inclination and capacity.

The earnings of children in employment not in the service of their guardians are subsidised by the Department to enable the child to pay the guardian a reasonable sum for board and lodging, to cover fares to and from the employment, pocket-money and clothing replacements.

The Department has a staff of inspectors whose duty it is to visit regularly and call upon the guardians and persons with whom children are placed. These officers confer with school teachers in regard to the child's education and progress. Reports are obtained from school-teachers from time to time. The guardian is expected to see to the physical health of the child, and if the inspector has cause to feel that the child's health is not being properly looked after, the guardian is required to have the child submitted to medical examination. In addition to the Department's inspection staff, it organises local committees of persons interested in social welfare work and through their agency is able to keep constant supervision of each child.

Section 114 of the Child Welfare Act provides as follows :

“ Any person who ill-uses or neglects to perform his duty towards any child boarded out, placed out, apprenticed or adopted, or violates any regulation concerning such child, shall be guilty of an offence.”

Upon proof of the commission of an offence under this section, the court is empowered to inflict a penalty not exceeding £100 or imprisonment for a period not exceeding twelve months, or both penalty and imprisonment.

(b) *Children cared for apart from their Mothers.*

Persons caring for children under 7 years of age apart from their mothers are required to report the reception of each child under 7 years of age, the discharge of such children from such establishments or any relinquishment of the care, charge, or custody of such children. Change of abode must be reported and the burial of any such child should not be made without the production of a certificate under the hands of the coroner or magistrate or any medical practitioner, certifying the cause is in no way consequent on the neglect or ill-treatment of the child. These homes are regularly supervised by the Department's inspectors to ensure proper conduct of the home and care of the children provided for in them.

4. EVALUATION OF FOSTER-HOME CARE FOR CHILDREN

The practice of boarding children in private homes has been the national system and controlled by the Government of the State of New South Wales since 1880. This system was adopted to replace the former system of placing children in institutions. Comparison cannot, therefore, be made between the results of the two systems by statistics. The national policy has been for fifty years in the direction of having children reared under conditions of ordinary family life. The placing of children in institutions is not considered a proper course except where a special reason exists—that is, a child has to be removed from ordinary family life because of delinquency, or admitted to a training-school, such as for rural or other occupational training, or a child suffers from a physical or mental disability rendering him unfit for ordinary family life.

In June 1938, children boarded out as State wards included 2,283 boys and 1,868 girls, of whom 182 boys and 149 girls had been adopted or boarded without subsidy; 38 boys and 71 girls were employed in the service of their guardians, and 43 boys and 19 girls were receiving departmental subsidy in employment apart from their guardians.

State wards awaiting placing with suitable guardians and those who for various reasons may not be boarded out or apprenticed

are accommodated in homes maintained by the State. The number in these homes in December 1935 was 229, of whom 122 were girls. There is a farm home at Berry where the older boys may be trained for rural work, and arrangements are being made for a domestic science school for girls.

Tasmania¹

The care of children in families in Tasmania is limited to the boarding-out system. Children of any age, who are committed or surrendered to the care of the State, may be placed in a boarding-home or an institution.

The Director of Social Services, who becomes the legal guardian, is given discretionary power, and decides as to the future of the child.

To meet the requirements of parents who desire to board their children privately, whilst under the age of 5 years, the Infants' Welfare Act makes provision for the licensing of nursing-home keepers, whose homes are under the supervision of qualified nurses attached to the Department.

Children under the age of 14 years may be placed in boarding-homes. Upon attaining the age of 14 years, or as soon thereafter as possible, employment is found for the wards of the State, and supervision is exercised by the Department until they attain the age of 18 years.

The Minister controlling the Department may authorise the child's remaining in the foster-home, if it is considered necessary in order to continue his education, or if the care of the foster-mother is needed for any other reason.

Foster-mothers desiring to register their homes for the care of boarded-out children must furnish testimonials from two local residents and the clergyman of the particular religious denomination to which they belong. Children are more frequently placed in cities and suburbs than in the country. This is done to facilitate departmental supervision. As far as practicable,

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

children are boarded-out and placed at service with persons of the same religious denomination as themselves.

The Government bears the cost of maintenance and education for its wards, but relatives are expected to contribute towards the cost if in a position to do so.

Parents are required to pay board for their children who are not State wards and are placed by them in foster-homes. Foster-mothers are expected to see that children placed in their care attend day and Sunday school regularly.

Fully qualified nurses inspect the homes of all foster-mothers weekly, or more often if necessary. Nurses also visit schools and confer with headmasters regarding the progress of the children in the school.

Under the provisions of the Infants' Welfare Act, 1935, a person who neglects or ill-treats a child placed in his care is liable to a penalty of £25, or imprisonment for six months, or to both such penalties.

Victoria ¹

1. LEGAL PROVISIONS FOR BOARDING-HOME CARE FOR CHILDREN

The Child Welfare Act of 1928 (amended in 1933) provides for foster-home care of children when deemed advisable by the Secretary of the Department for the care of children (or "wards") who have been legally committed to its care and for whom the Secretary of the Department is legal guardian. This is officially known as "boarding-out with foster-parents" and is the principal means adopted by the Child Welfare Department in providing for its wards. The system has been in operation for more than fifty years.

2. TYPES OF CHILDREN BOARDED AND HOMES USED

The children placed in foster-homes are as a general rule normal children. Those who are abnormal, delinquent or a moral danger to themselves or to others are provided for by means of institutional care.

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

Foster-parents with whom children are placed by the Department belong in the main to the middle and better type of working-classes. Children are more frequently placed in cities and towns than in the country.

3. CONDITIONS GOVERNING THE CARE OF CHILDREN IN FOSTER-HOMES

Wards of the Department remain under its control until they reach the age of 18 years (or sooner, if legally adopted or discharged). Children may be placed in foster-homes during infancy, in which event the Department pays the foster-parents 12s. 6d. per week, and for children above that age and up to 14 years the rate is 7s. per week. Wards receive free education in State schools, and, in the case of children attending denominational or private schools, the cost of education is borne by the foster-parents. Children are boarded with foster-parents of the same religious denomination as the child. Foster-parents are required to have the child receive religious instruction from the proper source—that is, Sunday school or church. Medical care is provided by the district medical officer appointed by the Department, whose duty it is to attend professionally all the wards in his district as required, and also to visit each child not less than once in three months.

Supervision of children with foster-parents is provided by the inspectors of the Department and by honorary visiting committees formed in each district. The child is seen from time to time, and each foster-home is regularly and carefully inspected. Reports are furnished regarding the progress of the child as to health, behaviour, education and home conditions, and the care provided by the foster-parent. In the event of unsatisfactory care by a foster-parent, or neglect or abuse in discharge of duties, the Chief Secretary is the deciding authority as to the cessation of the boarding-home arrangement and the removal of the child from the home.

Wards from infancy upward are placed in foster-homes, and while boarding-home payments cease at the age of 14 years, it is almost invariable that the child having become an integral part of the foster-family remains in the home on the same footing

as regards employment and opportunities as other children residing with their natural parents. Children are placed exclusively in homes where the income is ample for all members, including the ward or wards, and where the foster-parent is prepared to apply income toward the adequate maintenance of the child irrespective of the allowance paid by the Department.

4. EXTENT AND EVALUATION OF FOSTER-HOME CARE FOR CHILDREN

The experience of the Children's Welfare Department has clearly shown that benefits accruing to its wards in foster-homes are definitely greater than those to a child in an institution. The orphaned ward in a foster-home is on a footing approximating almost exactly to that of the child residing with his or her natural parents and receives individual care, understanding, guidance and training with the advantages of home life. Such children when of working age are provided for by the foster-parent during the period of the child's low earning capacity and inability to earn sufficient to pay for board and lodging, clothing and incidentals.

NEW ZEALAND ¹

1. LEGAL PROVISIONS FOR BOARDING-HOME CARE

The placing of children in family homes operates in two main systems, both controlled by the Child Welfare Branch of the Education Department. Legal provisions for these systems are found in:

- (a) The Child Welfare Act of 1925, amended in 1927;
- (b) The Infants Act of 1908.

A child was defined by the Law of 1925 as a person under 16 years of age. This age was raised to 17 in 1927.

The placing of children in family homes preceded the Child Welfare Act of 1925. It has existed since the inception of the Education Department more than fifty years ago.

¹ This summary was prepared by Mrs. Anna Kalet SMITH, of the Children's Bureau, United States Department of Labor, Washington, D.C.

Corrigendum.

Page 225, under the heading :

" 2. TYPES OF CHILDREN BOARDED AND HOMES USED "

replace the last two paragraphs by the following text :

" The Infants Act of 1908 (Part V) makes provision for the licensing of homes in which children under or apparently under the age of 6 years may be placed by parents or relatives. These children are not committed to the care of the Department under the Child Welfare Act, and the Department exercises a supervisory interest only, the guardianship not being vested in it.

" Every home in which a child under the age of 6 years is placed apart from its parents for a period longer than seven consecutive days must be licensed by the Department".

2. TYPES OF CHILDREN BOARDED AND HOMES USED

The placing of children as described in the Child Welfare Act applies to all children placed in the care of the Superintendent of the Child Welfare Branch of the juvenile courts, including destitute and erring or delinquent children. The Superintendent of the Child Welfare Branch is the guardian of all children committed to the care of the State, and guardianship of the child remains with him when the child is placed in a foster-home. In each order committing the child to the care of the Superintendent of Child Welfare, the stipendiary magistrate or justice names the religion in which the child is to be brought up.

The Infants Act of 1908 makes provision for the licensing of homes in which children may be placed by parents or relatives. These children are not committed to the care of the Department under the Child Welfare Act, and the Department exercises a supervisory interest only, the guardianship not being vested in it.

Every home in which a child under the age of 6 years is placed apart from its parents must be licensed by the Department.

3. REGULATIONS OF AND CONDITIONS DETERMINING BOARDING-HOME CARE

Children are placed under the provisions of Section 20 of the Child Welfare Act of 1925. The cost of maintenance of children in foster-homes is borne by the Child Welfare Branch. Education is free, but the Department is responsible for school-books, medical and dental attention, and other incidentals. For the care of children placed under the Infants Act of 1908, payments are made by the relatives concerned.

Foster-homes are those of artisans, small farmers, widows with property or means of their own, and other persons of moderate circumstances generally living in suburban areas. The bulk of the children are placed in suburban and country districts. The child is usually placed with foster-parents of the same religious denomination.

Children may be placed in infancy and remain placed in the same family for as long as necessary. The deciding authority is the Child Welfare Branch. Sometimes the foster-parents desire

to assume full control and responsibility for the child, or they may legally adopt him, in which case the Superintendent may discharge the child from control. More frequently, the child remains in a foster-home until the primary-school period is finished. Many remain on at work and stay in the foster-home, while others are placed in suitable employment in other homes.

Supervision is effected in the larger centres throughout the Dominion by women child welfare officers who are permanently retained on the staff. It is their duty to visit each foster-home at least once in three months and to report to the Department any unsatisfactory feature in a home. In addition, confidential reports are received from the teachers of the school which the child attends. Honorary officers, both men and women, have been appointed in all of the smaller centres and country districts. They assist the Department in maintaining regular supervision of children placed in foster-homes. The school medical officer examines the children attending the public schools, but the foster-parents have authority to take the child to the nearest doctor in the event of urgent medical attention being necessary. The schools provide organised sports and games, and foster-parents are expected to see that the foster-child is a member of these organisations.

In order to maintain the necessary standards for care, frequent visiting of the foster-home is required. If the home is regarded as unsuitable, the child is removed under Section 8 of the agreement form. This provides for one week's notice of the termination of the agreement, excepting that the child may be removed by the Superintendent without notice should he deem it necessary. If a foster-parent is charged with wilful neglect or ill-treatment, action may be taken under the provisions of Section 28 of the Infants Act of 1908 or Section 24 of the Child Welfare Act of 1925.

Homes caring for children under 6 years of age under the Infants Act of 1908 must be licensed by the Department, and any person taking a child into an unlicensed home is liable to prosecution. The Department's child welfare officers visit periodically in the licensed foster-home, and if conditions in the home are not regarded as satisfactory, the attention of the relatives is drawn

to this fact. If necessary, the relatives may be called upon to remove the child. The Minister of Education has the power to refuse any licence.

4. EXTENT AND EVALUATION OF FOSTER-HOME CARE

The results attained in New Zealand during the past fifty years in the boarding-care of children are decidedly in favour of the placing of children in families rather than in institutions. The child so placed enters into the normal life of the community and makes ties which last throughout his life. Institution children are frequently found to be too sheltered, and so much has been done for them that the spirit of individuality is not fostered. In their teens, they begin to make contacts and experiences with the outside world which it is felt might have been better undertaken much sooner. These remarks refer particularly to children placed permanently in institutions, as the Department considers orphanages and similar institutions can and do perform a useful service in providing for the more or less temporary housing of children in special circumstances.

At the end of the year 1935, the number of children boarded out in foster-homes was 2,660, as compared with 2,043 at the end of the preceding year.

SECTION D.—AFRICA

UNION OF SOUTH AFRICA

LEGAL PROVISIONS ON THE PLACING OF CHILDREN AND YOUNG PERSONS IN FOSTER-HOMES

Under the provisions of the Children's Act, No. 31, of 1937,¹ infants—*i.e.*, children under the age of 10 years who are being nursed or maintained for more than thirty days in homes other than those of relatives (a relative being defined as a grandfather, grandmother, brother, sister, uncle or aunt of the infant, or the husband or wife or widower or widow of any such relative, provided that, if the infant be an illegitimate child, the term shall

¹ Children's Act of 1937 (No. 31), *The Union of South Africa Government Gazette*, Extraordinary No. 2440, May 18th, 1937.

not include a person not so related to the infant through the mother)—may be placed in foster-homes.

A person receiving an infant under 10 years of age into his home must report the fact in writing within seven days to the Commissioner of Child Welfare of the district in which he resides. Notice must also be given forthwith of a child's removal, change of residence, or death. Upon being informed, whether by notice from the foster-parent or otherwise, that a child is placed away from his parents, the Commissioner is required to investigate the foster-home, and, if it is found unsatisfactory, he may take measures for the removal of the child.

Commissioners of Child Welfare may prescribe limitations of the number and age of infants in any particular dwelling, and, if a foster-parent fails to abide by these regulations, he shall be guilty of an offence. The Commissioner of Child Welfare may at any time direct that an infant in a foster-home be given a medical examination by the district surgeon or any other qualified medical practitioner, and may require an inspection of the premises in which the infant is kept. If, however, the Commissioner of Child Welfare of any district is satisfied that the character and circumstances of a foster-parent resident in that district are such that the child, while in his care, is not likely to be ill-treated or neglected, the Commissioner may grant to that person exemption from inspection and supervision. This exemption may be cancelled within the discretion of the Commissioner. Interference with the work of an inspector is punishable by law.

Children under 19 years of age who are removed from their homes on grounds of neglect, uncontrollability or maladjustment by a children's court under the provisions of the Children's Act, may be placed in foster-homes. Children dealt with under that Act may subsequently also be placed in foster-homes by order of the Minister, or by an approved agency in whose custody they have been placed under the provisions of that Act, or by release on licence from institutions under certain conditions and subject to supervision by a probation officer or other suitable person or social agency.

Under the Criminal Procedure and Evidence Act, No. 31, of 1917, as amended by the Children's Act, No. 31, of 1937, young persons under the age of 21 years may be placed by order of court

in foster-homes. Young persons dealt with under the former Act may also subsequently be placed in foster-homes, under the provisions of the Children's Act, by order of the Minister, or by an approved agency in whose custody they have been placed, or by release on licence from institutions under certain conditions and subject to supervision by a probation officer or other suitable person or social agency.

The supervision of children and young persons placed in foster-homes varies with the terms of the order of court. If the child or young person is under the age of 16 years when the order is made, supervision continues until he has attained the age of 18 years. If, however, he is not under the age of 16 years, supervision continues until he has attained the age of 21 years. Children or young persons released on licence from an institution, following the period of retention, remain under the supervision of the management of the institution until the age of 21 years, if the order committing the child or young person was made before the age of 16 years. Similarly, if the order was made after the child or young person attained the age of 16 years but under the age of 19 years, supervision continues until the age of 23 years. If the young person was over the age of 19 but under the age of 21 years when the order was made, supervision continues until the age of 25. However, children or young persons who have been placed in foster-homes may be discharged in accordance with the provisions of the Act before reaching the above-mentioned ages.

CHAPTER III

SOME GENERAL CONCLUSIONS TO BE DERIVED FROM THE STUDY ON PLACING OF CHILDREN IN FAMILIES

1. PRINCIPLES AND OBJECTIVES

1. Since the child is the medium through which civilised life is carried on from one generation to the next, his well-being becomes a primary concern of organised society.

2. Society everywhere recognises the home and family as the natural primary agency for the care, guidance and control of the child during his years of immaturity and dependence.

3. It is, however, incumbent upon the community to provide such security and protection for the family as will enable it to discharge its responsibilities adequately, and further, to encourage and, if need be, compel it to do so.

4. Therefore, when circumstances threaten the ability of the family to provide satisfactory conditions for the upbringing of the child, the first question to be explored should be the means by which the parents can be assisted in this task of the proper rearing of their children.

The attainment of this objective should be sought, in co-operation with the parents and, if possible, without encroaching upon parental rights or guardianship.

If and when this parental guardianship, in spite of all such efforts, still proves inadequate, and must be relinquished, the community must assure satisfactory care and guardianship by other means.

5. As a general rule, the community should seek to provide for any child for whom satisfactory conditions cannot be assured in

his own family, a family life and background approximating as closely as possible to what his own home should have been.

6. Since, however, in certain circumstances, the child's particular needs may call for care of a specialised kind, the community must have at its disposal more formal facilities of the institutional type, as well as facilities for ensuring care in the home.

7. In discharging its obligations towards the child, the community must have as its objective his training and development as a future citizen, rather than his adaptation to any specific type of care.

8. If a child has to be given care away from his own home, all his essential needs must be met as they would be by a good and capable parent. The provision of adequate food, clothing and shelter is not sufficient. The task is rather one of developing a feeling, thinking and acting person, equipped for the responsibilities of family life and citizenship. Physical fitness, healthy habits, adaptability to life and people, appreciation of the moral and spiritual values of life, sound judgment, initiative and thrift are typical of the purposes upon which foster-care should concentrate.

2. STANDARDS IN ADMINISTRATION AND SERVICE

In communities where the placing of children in families has become well established, fairly well-defined standards exist in the matter of organisation, equipment and performance. Such a situation offers its own evidence as to the value of public opinion in building up a body of sound legislation and practice in the protection of child life. The education of the general public as to what constitutes good practice in the care and placing of children must therefore be regarded as part of the obligation and service of any child-placing agency. For even while organisations and communities less favourably situated may not be able to provide all the services for which provision is made by others which are more highly developed and prosperous, certain general standards may be regarded as applicable to all forms of child welfare. The application of such standards, varying with the resources of the community or organisation concerned, depends,

ultimately, upon the education of the public for their acceptance. These standards may be stated, in general terms, as follows :

1. The competent public authorities, acting in virtue of carefully framed and properly administered laws and regulations, are responsible for ensuring that all children placed in foster-homes, whether by individuals or by social agencies, shall have reasonable facilities for promoting their physical and mental health and social, spiritual and moral development.

2. Child-placing and supervisory services, whether under public or private auspices, should be developed and administered in close relationship with other services for family assistance, public health and child welfare.

3. The decision to place a child in a foster-home should be made only after careful consideration of other forms of welfare that may be available; more particularly the possibilities of assistance in the child's own home. The choice of a particular type of care for any child should not depend on a mere consideration of the minimum cost of ensuring his physical well-being, but rather upon the broader basis of his needs as a growing individual and future citizen. Unless there are definite indications of the child's special need for the type of care characteristic of institutional life, normal life in a foster-family may be deemed preferable, as constituting a natural substitute for his own home or family life.

4. Agencies responsible for supervision over children placed in foster-families should be equipped for the study of children and their needs, the selection of foster-homes, the preparation of children before placing, the securing of facilities for their physical and mental health, their moral and spiritual development, and their growth and development as members of society.

5. Persons employed in child-placing and supervision, whether full-time or part-time, paid or voluntary workers, should have an understanding of children and their problems, a knowledge of the resources available for promoting their physical, mental, moral, spiritual and social development, specific training in their exacting tasks, and sufficient time at their disposal to enable them to serve the children to the very best of their ability.

Where, because of particular circumstances, the personnel of other services may be utilised in the supervision or even the placing

of children in foster-care, it should not be assumed that their special training in their own field, *ipso facto*, equips them for the discharge of these other responsibilities of a different nature. In all such cases, the advisability of special instruction for all such workers in the essentials of sound child-placing procedures should be stressed and such special training given prior to their employment for these duties.

6. The type of foster-care selected should be determined by the needs of the child and the extent to which the ties with his own family and kindred can be preserved. For many children, boarding-out is the only form of foster-care that can meet their needs adequately. Such a home does not require complete severance of family ties, and permits of close and constant co-operation between the foster-parents and the child-placing and supervising agency.

7. The selection from among many acceptable foster-homes of the one best suited to meet the individual needs of the particular child is the point at which the science and art of child-placing reach their highest level. The promotion of wholesome and happy relationships between the foster-parents and the child demands the utmost skill and understanding on the part of workers in this field.

8. Certain minimum needs are common to all children—proper and sufficient food for health and growth; adequate shelter; comfortable clothing and medical supervision and care; education and vocational training commensurate with the child's abilities; religious instruction or such training in moral and spiritual development as may accord with the practice of his family and community. The child must feel a sense of satisfactory relationship as a member of the community. To these prerequisites for all children, others must be added in the case of foster-children, by reason of their separation from the natural environment of their own families, and the provision of these desiderata becomes an obligation which is shared by the foster-family, the organisation responsible for placing and supervision and the community.

9. The community is responsible for providing such facilities for the assistance of foster-parents as will enable them to meet the problems incidental to the foster-child's adjustment to life in the home, school and neighbourhood.

10. The organisation accepting the child for care, placing and supervision is responsible (*i*) for seeing that the foster-parents know and make use of the general facilities available to the community in the matter of child welfare and health, and (*ii*) for supplementing these facilities as may be necessary.

11. One of the main purposes of all child welfare activities being to produce healthy, mature, self-reliant men and women, the child welfare agency should always bear this in mind when extending its activities.

(a) *Health*.—As a means of ensuring health and vigour, provision should be made for all children in foster-homes to be placed under continuous supervision from the point of view of health and medical care, including such corrective treatment as may be necessary. Infants and young children should be under the continuous supervision of qualified physicians and nurses.

(b) *Education*.—Children in foster-homes should be accorded the same scholastic and vocational opportunities as the child in an average comparable community. These should include full-time school attendance throughout the term and within the school-attendance age in the community in which he lives, with provision for special study of individual gifts and vocational guidance. The responsible agency should also aim at ensuring suitable secondary and higher education for children whose gifts appear to justify such opportunities, and, for pre-school children, the advantage of attendance at kindergarten, nursery schools, etc., when these can be made accessible and are likely to benefit the child. The need for the child's moral and spiritual development must be borne in mind throughout his training and education.

(c) *Recreation*.—Recognising the importance of recreation and community life in the development of self-reliance and a sense of security, and in providing opportunities for achievement, so essential to satisfactory life, the placing and supervisory organisation and the foster-parents should aim at ensuring time and facilities for indoor and outdoor play and other recreational activities suited to the child's particular needs.

(d) *Specialised Service for Problem Cases*.—In addition to these facilities for health, education and recreation, the agency caring for children in foster-families should utilise specialised health, educational, psychological or psychiatric resources, as need arises, for children who fail to respond sufficiently to presumably satisfactory conditions in the home, school or neighbourhood. In this way, educational, social, personality and behaviour difficulties may be anticipated and averted before reaching an aggravated stage.

(e) *After-care and Ultimate Establishment*.—As a guarantee, in so far as possible, of this ultimate establishment of the boy or girl as a self-reliant

member of the community, the child-caring agency should assure, either through its own resources or in co-operation with other agencies, adequate supervision, not only during the term of foster-care, but, if necessary, continuing until the adolescent boy or girl is reasonably established on a self-supporting basis.

12. It must never be forgotten that the child's natural and normal environment is his own family. His home should be preserved when this can be done without detriment to the child or the community. The natural bond of affection between the child and his parents may prove a vital force in the reconstruction of the home and family. Except when the complete and permanent separation of the child from his family is advisable, every effort should be made to preserve and strengthen this bond. The child-placing organisation should make use of all appropriate resources of the community which might assist in the necessary adjustment, making the child's return to his parental home both possible and safe.

SOURCES

SECTION A.—EUROPE

Baltic States.

Estonia.

Material supplied by the Government of Estonia in reply to the questionnaire drawn up by the former Child Welfare Committee (sent to Governments in June 1934).

Latvia.

Material supplied by the Government of Latvia in reply to the questionnaire drawn up by the former Child Welfare Committee (sent to Governments in June 1934).

Lithuania.

Material supplied by the Government of Lithuania, in reply to the questionnaire drawn up by the former Child Welfare Committee (sent to Governments in June 1934).

Scandinavian Countries.

Denmark.

Bornesagens Tidende, organ for Dansk Borneforsorg, published semi-monthly by a private child welfare society, various volumes.

League of Nations document C.8.M.7.1937.IV, "Child Welfare Councils". See "Child Welfare Councils in Denmark", by Erik LÆUNIG, pages 9 *et seq.*

Lovtidende for Kongeriget Danmark (Official Collection of the Laws of Denmark), various volumes beginning with 1888.

Social Tidsskrift, official monthly organ of the Ministry of Social Welfare, various volumes.

Statistisk Aarbog, for various years.

Finland.

Finlands Förfatningsamling (Official Collection of Laws of Finland), Nos. 51-60 and 201-205, 1936.

General Mannerheims Barnskyddsförbund; berättelse för år 1925/26 (reports for 1925 and 1926 of the General Mannerheim's Child Welfare League).

"Lag af Fattigvården" (Law on Poor Relief), June 1st, 1922. Reprint.

"L'Œuvre de Protection sociale en Finlande" (Social Welfare Work in Finland), published by the Finnish Ministry of Social Welfare in 1928.

Material supplied by the Government of Finland in reply to the questionnaire drawn up by the former Child Welfare Committee (sent to Governments in June 1934).

NYBERG, Bertel : " Ein uraltes Problem : die Familienpflege ", *Revue internationale de l'Enfant* (Geneva, 1931).

Norway.

League of Nations document C.P.E.516, " The placing of children in families. Report by the Save the Children International Union ".

Material supplied by the Government of Norway in reply to the questionnaire drawn up by the former Child Welfare Committee (sent to Governments in June 1934).

Norsk Lovtidende (Official Collection of Laws of Norway), for various years.

Socialt Arbeid, Oslo (monthly publication of the Norwegian Society for Social Work), from January 1st, 1927, to November 1936.

Statistiske Meddeleser, Oslo, for various years.

WIESENER, G. : " Barnelovene av 10 April 1915 og Pleiebarnloven av 29 April 1905 " (Child Welfare Laws of April 10th, 1915, and the Law on Foster-children of April 29th, 1905), text and commentary, Christiania (no date).

Sweden.

Bulletin international de la protection de l'enfance, No. 149, 1937, pages 59 et seq.

HASSÉLROT, Bror : " La protection de l'enfance à la campagne ", 1935.

League of Nations document C.8.M.7.1937.IV, " Child Welfare Councils ". See " Child Welfare Councils in Sweden ", by Åke Bylander, page 44 et seq.

Samhällets Barnavård, År 1934 : Sveriges Officiella Statistik (Stockholm, 1934).

Statistik Årsbok för Sverige, various years.

Svenska Fattigvårds- och Barnavårdsförbundets Kalender, 1934 (Stockholm, 1934).

" Text till Lag om Samhällets Barnavård och Ungdomsskydd (Barnavårdslag) m.m. Med t.o.m., år 1934, vidtagna ändringar och tilläg. " Svenska Fattigvårds- och Barnavårdsförbundet (Stockholm, 1935).

Tidskrift för Barnavård och Ungdomsskydd (Stockholm), No. 5, 1936.

" Tillsyn över Fosterbarnavården ", av L. BARKMAN, I. JUNDELL, G. STEENHOFF. Svenska Fattigvårds- och Barnavårdsförbundet (Stockholm, 1934).

TÖRNQUIST, Algot : " La protection de l'enfant à la campagne en Suède au point de vue social ", 1935.

Belgium.

"Ecoles de Service social", Royal Decree of June 11th, 1935 (Ministry of Justice, 1935).

Material supplied by the Government of Belgium in reply to the questionnaire drawn up by the former Child Welfare Committee (sent to Governments in June 1934).

MAUS, Isidore : "Les Ecoles de Service social en Belgique et à l'étranger", article in the *Revue catholique sociale et juridique*, April-May 1924.

MAUS, Isidore : "L'Office belge de la Protection de l'Enfance", article in the *Revue de Droit pénal et de Criminologie*, January 1927.

Œuvre nationale de l'Enfance, monthly review (quarterly from 1914), 1919-1936 inclusive.

Pasinomie Belge (collection of laws, decrees and regulations), for various years.

Proceedings and reports of first and second International Conferences of Social Work, Paris, 1928, and Frankfort-on-Main, 1932.

VELGE, Henri : "La Protection de l'Enfance dans la Législation et dans les Œuvres en Belgique" (Brussels, 1925).

United Kingdom,

Material supplied by the delegate of the United Kingdom to the Advisory Committee on Social Questions.

Czechoslovakia.

Collection of Laws and Decrees of the Czechoslovak Republic (Prague, 1920-1937, No. 34).

"La Prévoyance sociale en Tchécoslovaquie, publication de l'Institut social de la République tchécoslovaque" (Prague, for various years).

Material supplied by the Government of Czechoslovakia in reply to the questionnaire drawn up by the former Child Welfare Committee (sent to Governments in June 1934).

Proceedings and reports of first and second International Conferences on Social Work, Paris, 1928, and Frankfort-on-Main, 1932.

Soziale Revue, Amtsblatt des Ministeriums für soziale Fürsorge (Prague, 1931-1936).

France.

ALCINDOR, Emile : "Les enfants assistés" (Paris, 1912).

ANDRÉ, Louis : "L'Assistance publique de l'enfance : Commentaires d'ensemble de la loi du 27 juin 1904".

ARMAND-DÉLILLE, P. F. : "L'Assistance sociale et les Moyens d'Action" (Paris, 1922).

ARMAND-DÉLILLE, P. F. : "Le Service social dans les Collectivités contemporaines" (Paris, 1929).

Bulletin international de la Protection de l'Enfance, Brussels.

CORDELIER, Suzanne F. : " Femmes au Travail " (Paris, 1935).

Le Musée social, monthly review (Paris, 1933, pages 302-316).

" Pour l'Enfance coupable " (Paris, March and April 1935).

" Rapport sur le Service des Enfants assistés du Département de la Seine ",

Revue médico-sociale de l'Enfance (Paris, January 1933-February 1937).

Service social de l'Enfance (Paris, annual reports from 1930 to 1936).

Germany.

Deutsche Zeitschrift für Wohlfahrtspflege (Berlin, 1925-1936; January-April 1937).

Enzyklopädisches Handbuch des Kinderschutzes und der Jugendfürsorge.
Editors Clostermann, Heller and Stephani. Zweite Auflage (Leipzig, 1930)

FRIEDBERG-POLLIGKEIT : " Reichsjugendwohlfahrtsgesetz Kommentar ",
Zweite Auflage, Carl Heymanns Verlag (Berlin, 1930).

Pro Juventute (Zurich, 1922-1936; January-May 1937).

Reichsgesetzblatt (Berlin, 1919-1936; 1937, Nos. 1-66).

Volkswohlfahrt (Berlin, 1921-1932).

WEBLER, Heinrich : *Jahrbuch des Jugendrechts*, 1933, 1934 and 1935, Carl
Heymanns Verlag (Berlin, 1934, 1935 and 1936).

Zentralblatt für Jugendrecht und Jugendwohlfahrt (Berlin, 1920-1936).

Hungary.

Enzyklopädisches Handbuch des Kinderschutzes und der Jugendfürsorge.
Editors Clostermann, Heller and Stephani. Zweite Auflage (Leipzig, 1930).

Law XXI of 1901 on Assistance to Indigent Children by Public Authorities.

League of Nations document C.P.E.479, " Colonies of Children placed in
Families in Hungary ",

Material supplied by the Government of Hungary in reply to the question-
naire drawn up by the former Child Welfare Committee (sent to Governments
in June 1934).

Revue internationale de l'Enfant (Geneva, July-August 1930, pages 8-16).

Italy.

" Opera nazionale per la Protezione della Maternità e dell' Infanzia : Leggi
e Regolamenti per la Protezione e l'Assistenza della Maternità e dell' Infan-
zia " (Rome, 1928).

" Opera Nazionale per la Protezione della Maternità e dell' Infanzia :
Origine e Sviluppo dell' Opera Nazionale per la Protezione della Maternità e
dell' Infanzia, 1926-1935 " (Rome, 1936).

Netherlands.

Material supplied by the Netherlands Government in reply to the questionnaire drawn up by the former Child Welfare Committee (sent to Governments in June 1934).

Poland.

Material supplied by the Polish Government.

Switzerland.

"Association genevoise des Maisons familiales, rapport pour 1934/35" (Geneva, 1936).

Eidgenössische Gesetzsammlung, 1928 and 1930.

"Enzyklopädisches Handbuch des Kinderschutzes und der Jugendfürsorge", editors L. Clostermann, Th. Heller and P. Stephani. Zweite Auflage (Leipzig, 1930).

GSELL, Elsa: "Das Pflegekinderwesen im Kanton Thurgau", *Schweizerische Zeitschrift für Hygiene*, July and August 1932.

"Handbuch der sozialen Arbeit in der Schweiz", 3rd imp.; "Soziale Fürsorge in der Schweiz", A. Wild, editor (Zurich, 1933, 2 volumes).

Jahrbuch für Jugendfürsorge, Pro Juventute (Zurich, Volume X, 1925).

Jahrbücher für Nationalökonomie und Statistik (Jena, Volume 145, No. 2, February 1937).

Material supplied by the Government of Switzerland in reply to the questionnaire drawn up by the former Child Welfare Committee (sent to Governments in June 1934).

Pro Juventute (Zurich, No. 2-3, Volume 17, 1936).

Schweizerisches Zivilgesetzbuch, 6th edition, edited by W. Stuber (Leipzig, 1934).

Turkey.

Material supplied by the Government of Turkey in reply to the questionnaire drawn up by the former Child Welfare Committee (sent to Governments in June 1934).

Observations of the "Comité central de l'Association de Protection de l'Enfance en Turquie".

Union of Soviet Socialist Republics.

Biblioteka "Okhrana Detstva i Detskoe Pravo" (series on child welfare and child welfare legislation), No. 4, "Bor'ba s detskoj besprizornostiu" (measures for the protection of neglected and homeless children) (Moscow, 1932).

Izvestia, Moscow (the official organ of the Central Executive Committee of the Union of Soviet Socialist Republics), for a series of years.

Sobranie Uzakonenii i Rasporiazhenii—RSFSR, Moscow (Official Collection of Laws and Regulations of the Russian Socialist Federal Soviet Republic), for 1935, 1936 and parts of 1937.

Sotzialnoe Obespechenie (Moscow, January 1st, 1935-May 1st, 1937) (official organ of the People's Commissariat of Social Welfare).

Unpublished material received by the Children's Bureau, United States Department of Labor, from the Acting Commissar of Social Welfare, Moscow, in the autumn of 1936.

SECTION B.—AMERICA

Canada.

North America.

Material supplied by the Government of Canada in reply to the questionnaire drawn up by the former Child Welfare Committee (sent to Governments in June 1934).

United States of America.

"A Brief Explanation of the Social Security Act", Informational Service Circular No. 1, page 8 (Social Security Board, Washington, 1936).

LUNDBERG, EMMA O. : "Child Dependency in the United States", Child Welfare League of America, page 56 (New York, 1932).

Report on Discussion of Public and Private Services for Child Welfare, held under the auspices of the Children's Bureau, United States Department of Labor, Washington, D.C., April 9th-10th, 1937.

United States Bureau of the Census : "Children under Institutional Care, 1923", page 18 (Washington, 1927).

United States Bureau of the Census : "Children under Institutional Care and in Foster-homes, 1933", pages 1, 9 (Washington, 1935).

Argentine Republic.

South America.

Material supplied by the Argentine Government.

Uruguay.

Material supplied by the Government of Uruguay.

SECTION C.—OCEANIA

Australia.

Material supplied by the Government of Australia.

New Zealand.

Material supplied by the Government of New Zealand.

SECTION D.—AFRICA

Union of South Africa.

Material supplied by the Government of the Union of South Africa.

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ILLEGITIMATE CHILDREN

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I. INTRODUCTION

The question of illegitimate children was first raised in the former Child Welfare Committee during its 1927 session by the Women's Committee of the International Federation of Trade Unions, Amsterdam, which submitted a memorandum concerning the rehabilitation of unmarried mothers and the protection of illegitimate children.

In consequence, the former Child Welfare Committee decided to collect information on the special measures existing in the different countries for the protection of illegitimate children.¹ The results of this enquiry were published in 1929,² and Governments were required to send information on their progress in legislation. In this connection, in 1929, the Advisory Committee adopted the following resolution :

"The Committee considers, from an examination of the replies received, that more effective protection should be ensured to illegitimate children, and to this end decides to keep the question on its agenda; and it also urges that for

¹ The following questionnaire was drawn up by the Committee and sent to all States :

1. What are the rights and obligations of the mother and of the father towards the illegitimate child?
 2. Is action to establish the paternity of the child allowed (affiliation proceedings)? If so, how is this action undertaken?
 3. What conditions govern the legitimation of illegitimate children?
 4. What rights do illegitimate children possess to claim maintenance from their parents?
 5. What are the rights of inheritance or succession of illegitimate children?
 6. Is there a system of official guardianship for illegitimate children? If so, how is this guardianship organised?
 7. Are there any other means, and, if so, of what nature, provided either by the laws or by institutions for ensuring the moral and material protection of illegitimate children?
- ² "Study of the Position of the Illegitimate Child based on the Information communicated by Governments." Document C.P.E.141(1).1929.IV.

the future, in all questions of protection and assistance, the illegitimate child should be as well treated as the legitimate child, due respect being paid to the rights of the family."

The former Child Welfare Committee, at its 1930 session, asked the Secretariat of the League of Nations to prepare, in collaboration with the members of the Committee and the International Labour Office, a report on social measures affecting illegitimate children. At its 1932 session, it dealt with the position of illegitimate children in respect of social insurance, on the basis of a report submitted by the International Labour Office.¹ This report was communicated to the Governments, and emphasis was laid on the tendency to treat illegitimate children in the same way as legitimate children as regards social insurance benefits.

Attention was also called to the utility of official guardianship for all illegitimate children chiefly in order to obtain the payment of maintenance allowances, and the Committee decided to collect the fullest possible information on the subject. This information was submitted to it in 1932.² The Committee took note of this document and discussed it. While some members maintained that official guardianship was of great practical utility, others considered it unjust.

At this same session in 1932, the Advisory Committee adopted the following resolutions aiming to ameliorate the situation of illegitimate children.

" The Committee :

" I.

" Having studied with interest the system of official guardianship, considers that compulsory guardianship, whether official or not, constitutes in certain countries one of the means enabling the lot of the illegitimate child to be improved, and requests the Council to recommend its study to Governments.

" It also requests the Council to point out to Governments that the establishment of paternity is an essential condition

¹ "Position of the Illegitimate Child under Social Insurance Laws." Document C.P.E.283.1931.

² "Official Guardianship of Illegitimate Children." Document C.265. M.153.1932.IV.

for improving the lot of the illegitimate child, and to invite them to consider what amendments they might deem it expedient to introduce for this purpose in their respective laws.

“ II.

“ Having taken cognisance of the recommendation of the Fifth Committee of the Assembly not to neglect the examination of measures calculated to facilitate the marriage of parents with a view to the legitimation of children :

“ Notes that the marriage of foreigners, particularly when they do not possess the necessary financial means, encounters in certain countries serious obstacles arising out of the complication of administrative formalities, whether national or international, and the expenses and delay connected therewith;

“ Requests the Council to draw the attention of Governments to the importance, from the point of view of child welfare, of international agreements simplifying the formalities and expenses of marriage for foreigners, at all events when the latter do not possess the necessary financial means.”

Feeling that such measures were to be recommended, the former Child Welfare Committee also studied the systems adopted in certain countries where the authorities are empowered to issue abridged extracts of birth certificates and of other official documents, not divulging illegitimacy.¹

In 1933, the Committee drew the Council's attention to the importance of requesting Governments, Members and non-members of the League of Nations, to examine the possibility of authorising the issue of abridged birth certificates and other official documents which make no reference to illegitimacy and which would be regarded as adequate in all cases where information regarding parentage is unnecessary.

Many Governments subsequently sent in their opinions on that point.²

¹ “ Disclosure of Illegitimacy in Official Documents.” Document C.373, M.184.1933.IV.

² Documents C.P.E.451.1934, C.P.E.460.1934, C.P.E.501.1935, Addendum, and C.P.E.537.1935.

In 1937, the Advisory Committee on Social Questions, on the recommendation of a Sub-Committee which studied the question at this session, adopted a plan of work which has served as a basis for the present study.

Lastly, in 1938, after a thorough discussion, it was decided to submit the report to Governments for revision and completion, after which it would be published as the first volume of the study on the position of the illegitimate child.¹ The present publication constitutes this first volume.

As regards the social aspects of the question, which, in the opinion of many members of the Committee, are of greater importance than the purely legal aspect, it was decided to study the matter and to submit a report to the Committee in 1939, which eventually would be published as the second volume of the study on the position of the illegitimate child.

¹ The following Governments have sent in observations: the Argentine, Australia, Belgium, the United Kingdom, Bulgaria, Denmark, Egypt, Finland, India, Iraq, Ireland, Latvia, the Netherlands, New Zealand, Norway, Poland, Roumania, Siam, Spain, Sweden, Switzerland and Venezuela.

II. HISTORICAL OUTLINE OF SOCIAL ASPECTS AND LEGISLATION

1. DEFINITION

The conception of legitimacy is a function of the conception of the family peculiar to each social order, and this in its turn is generally the outcome of religious ideas. The basis of the family may be a house or clan, the father, or sacramental marriage. Under each system, the wider the circle of offspring, the broader the conception of legitimacy; and the narrower the conception of legitimacy, the more serious the social problem of illegitimacy.

In social systems where the importance of the clan, house or large family takes precedence over the restricted family formed by a monogamous marriage and its issue, or where, on the other hand, the conception of the family is so far dominated by the desire to secure its continuance (as a rule for religious reasons) that if natural offspring is lacking recourse is had to adoption, only a very limited category of children is regarded as illegitimate in law. Similarly, from the social point of view, in countries and at times in which the children of second wives, concubines or slaves are commonly acknowledged as children of the family, they are not assigned a position apart in the community, even in the few cases in which they acquire the status of legitimate children only partially or not at all (in inheritance and other matters).

Under such systems, the child is welcome in the family in which it is born, so that the acknowledgment of natural kinship is the rule and takes the place of legitimation. In consequence, the establishment of paternity is of very little account in such systems, particularly as the obligations and rights of maintenance, guardianship, etc., frequently devolve upon the father of the family rather than on the natural father.

Maternity is of only subsidiary importance. The social and legal position of the unmarried woman is often unfavourable, not

on account of the illegitimacy of the birth, but because such mothers frequently belong to the depressed classes. Such being the case, and for the same reason, the social position of the child may be equally precarious in the event of his being handed over to the family of the mother.

On the other hand, when the prevailing conception of the family only recognises the family constituted by a monogamous marriage and its issue, the category of legitimate children is closely restricted. Under such systems, the number of children born out of wedlock is always relatively high, even though it varies according to the marriage laws and ethical and economic systems. Only by the subsequent marriage of their parents or by extraordinary measures can such children acquire the status of children of the family. Acknowledgment has limited effects. The illegitimate child is not welcomed by its parents, and is indeed frowned upon both by them and their connections. Owing to its inferior legal status, its economic position is precarious; and for all these reasons it becomes a social outcast.

2. DIFFERENT CONCEPTIONS OF THE FAMILY

Such is the position under some of the Far-Eastern religions, and particularly *Buddhism* and *Confucianism*, to which the problem of the illegitimate child is virtually unknown.

Ancestor-worship, which is almost a religion in China, enjoins the possession of posterity upon all; those without children of their own try to fill the gap by such means as adoption. One good social effect of ancestor-worship is that it to some extent mitigates the lot of illegitimate children.

It is interesting to note that under *Hinduism* in India, where the "joint family" system and polygamy prevail, the problem of illegitimacy is none the less acute considering the fact that the system of joint family does not recognise the illegitimate descendants, except in the case of the people belonging to Sudra (lower) caste.¹

Mohammedanism appears to view children differently, and recognises a very wide range of presumptions entitling the father

¹ *Hindu Law*, West and Majid, page 604, § 3A.

to acknowledge a child as his own. The category of legitimate children or of children capable of legitimation (there may be four wives and also slave concubines) is therefore very wide. As illegitimate intercourse is severely punished, provision is made for the establishment of paternity and for maintenance obligations towards the child, partly by way of penalty.

In this respect, therefore, Mohammedan law occupies a more or less intermediate position between Buddhism, Confucianism (with their large families) and ancient Roman law (with its legal family), on the one hand, and the rigidly restricted family of Germanic and Jewish law and the Christian Church on the other.

A characteristic of the ancient polytheistic laws of the West would appear to be the full legal recognition of the position of all mothers in regard to their children.

Proceedings to establish paternity were unknown to *Roman law*. The rights and obligations attaching to the *patria potestas* belonged to the father of the legal family, and as the aim was to secure its continuity, the problem of children born out of wedlock did not arise.

Under the *Germanic laws*, with their insistence on monogamous marriage, illegitimate children were placed at a considerable disadvantage, both socially and legally.

Judaism—in its final, though not in its original form—is characterised by the restricted family based on a monogamous marriage: bastards and their issue are strictly excluded from the community, and marriage with them is forbidden. On the other hand, the child of two unmarried parents is regarded as legitimate, provided paternity can be established.

Christianity has its own peculiar conception of the family and kinship. The family is based on the sacramental character of a single indissoluble marriage. Paternity and maternity are the result of procreation in wedlock. The category of legitimate issue is therefore closely restricted.

3. HISTORY

Wherever ethical standards and the social system attached a stigma to illegitimacy, it became necessary to introduce laws regulating the position of children born out of wedlock.

In the *Roman Empire*, for example, the conception of the family introduced by the Christian Church completely transformed the legal and social position of illegitimate children. Concubinage was disavowed and, to bring about its disappearance, the emperors introduced various restrictive measures preventing illegitimate and legitimate children from being placed on the same footing. Thus the children were made to suffer as a means of indirectly penalising extra-marital relations.

The first step was to place illegitimate children under legal disabilities. The existence of legitimate ascendants might entail the reduction of dispositions made in their favour. Justinian was the first to allow children *nati ex concubinato* certain limited rights of inheritance (maintenance, side by side with the legitimate wife or issue; inheritance from a father dying intestate; and, in the absence of legitimate children, limited testamentary inheritance). Children born of adulterous or incestuous relations were denied even the right to maintenance.

With a view, however, to the social and legal rehabilitation of natural children individually, the emperors introduced various forms of legitimation. Bearing in mind the original reason for illegitimacy, the Emperor Constantine introduced legitimation by subsequent marriage, thus placing a kind of premium on matrimony. The following restrictions were successively abolished : that there should be no children of a previous marriage, that the mother should be free-born and that the privilege should be granted only to children already born. Justinian made legitimation a permanent normal institution subject to the three following conditions :

(i) That at the time of conception there was no legal bar to the marriage of the father with the mother;

(ii) That there should be an *instrumentum dotale* or *nuptiale* proving the transformation of the concubinage into marriage;

(iii) That the children should consent to, or at least not oppose, legitimation, as, in spite of the advantages of legitimacy, the paternal power is not established in their interests and they are entitled to refuse to submit to the *capitis diminutio*.

This mode of legitimation gave natural children the same legal status as legitimate children, but without retroactive effect.

For cases in which the legitimation by subsequent marriage was rendered impossible by the death, absence or refusal of the concubine, Justinian introduced legitimation by imperial rescript. A father without legitimate children who was unable to marry the mother of his child applied to the Emperor for a rescript providing for the desired legitimation; alternatively, if the father expressed such a desire in his will, the child could himself apply for a rescript.

There was still another form of legitimation, the legal effects of which were, however, less complete—legitimation by *oblatio curiæ*. The mode and purpose of such legitimation was the enrolment of children in the corps of fiscal officials, whose duties under the Lower Empire were particularly arduous.

Canon law took over the rules introduced by the emperors in the matter of legitimation by subsequent marriage, but such marriage was permitted only if there was no bar at the time of the conception. In the case of children born of adulterous or incestuous intercourse, legitimation by Papal rescript was practised down to the end of the sixteenth century; it was used, however, only to enable illegitimate children to accede to ecclesiastical office. Incapacity in this respect, which was then an incapacity *ex delictu*, ultimately became an incapacity *ex defecto*, so that it can now be remedied by taking the vows of a religious order.

In the *Middle Ages*, the Church, being universal, was able to secure the fullest acceptance for its rules. It was even assisted in this respect by the Germanic customs and laws.

Among the common people, the social position of illegitimate children,—“bastards”,—became worse and worse. Legally, their only right was the right to maintenance, in the first place as towards their mother, and in the second place towards their father, and even as towards their parents' heirs. The establishment of paternity was permitted and quite easy, as its only effect was the right to maintenance. It was, moreover, favoured by the parishes, which otherwise were responsible for the maintenance of bastards. The practice led, however, to grave abuses which

ultimately brought about its abolition in countries governed by customary law.

In virtue of their illegitimacy, bastards were serfs of the feudal lords, so that the question of any rights other than maintenance did not arise.

On the other hand, the lords themselves attached the greatest importance to the continuation of their line, and as a result, in default of legitimate male issue, welcomed bastards as heirs.

Towards the end of the Middle Ages, Roman law began to be introduced in a great many countries. This development took the form, amongst others, of a more favourable attitude towards illegitimate children : the principle that every child is the legitimate child of its mother was recognised and the establishment of paternity was permitted, though its effects were limited to maintenance rights, as "the child and its father are not deemed to be kin".

The *French Revolution* introduced the acknowledgment of natural children subject to very strict conditions, and gave children thus acknowledged the same rights as legitimate children. On the other hand, proceedings to establish paternity were no longer permitted, and the same is true of the maintenance rights of unacknowledged children.

The *Code Napoléon* incorporated this conception, prohibiting proceedings to establish paternity and considerably restricting rights of inheritance. It would appear that, in countries whose laws are based on that Code, the number of illegitimate children must be very considerable.

In the *nineteenth century*, illegitimate children who had been acknowledged continued to bear the stigma of illegitimacy, as acknowledgment did not in any way constitute legitimation, while the social and legal position of unacknowledged children was deplorable. In certain parts of Europe, illegitimate births amounted to 50% of the total births.

The laws of the various countries were gradually amended so as to give children born out of wedlock an equitable position, in the first place legally, and in the second place socially; the reforms were designed to relieve them of the disabilities to which they were unjustly exposed, while at the same time safeguarding the

rights of the legitimate family. The measures introduced have differed widely according to the prevailing conception of the bonds between the child and his parents.

4. PRESENT SITUATION

Certain States, such as Louisiana and Porto Rico (the United States of America), the Argentine, Belgium, Bolivia, Brazil, Bulgaria, the Province of Quebec in Canada, Chile, Colombia, Costa Rica, Ecuador, France, Honduras, Italy, Luxemburg, Mexico, Monaco, the Netherlands, Peru, Portugal, Spain and Venezuela, base their legislation on acknowledgment as provided for in the Code Napoléon.

Other States, such as South Africa, the United States of America, certain Australian States, Austria, China, Danzig, Germany, Estonia,¹ Finland, Greece, Hungary, Latvia, Lithuania, Salvador, Sweden and Switzerland regard all children as legitimate as towards their mothers, but do not regard them as possessing any relationship to their fathers.

Denmark and Norway, which also belonged to this group, have recently introduced legislation which proceeds upon the principle of giving illegitimate children the same rights as legitimate children as against their fathers, provided that paternity is clearly established. In Norway, this question must be decided in respect of all children born out of wedlock. A statistical investigation carried out some years ago showed that actual paternity is established in respect of about 90% of such children.

The laws of Poland, Roumania and Yugoslavia contain features of both systems.

In the Union of Soviet Socialist Republics, the differences between legitimate and illegitimate children have been entirely abolished.

As regards changes in the other great systems of law, those which have taken place in the countries governed by Mohammedan *law* all reveal the same fundamental tendency and seem to be

¹ The legal position of the illegitimate child under the new Estonian Civil Code which will soon come into force will be essentially different from what it is under the former Baltic Code.

moving towards the original conceptions now to be met with, for example, in the laws of Afghanistan, Albania, Egypt and Iran.

Under the legal system of the Hindus of India, the problem of illegitimacy manifests itself in two peculiar ways. While the legislation denies the right of inheritance on the part of the illegitimate (sons) of the higher castes, like Brahmins, Kshatriyas and Vaishyas, the illegitimate (sons) of the Sudras are entitled to a portion of the father's property.¹ But an illegitimate daughter seems to be entirely excluded from the right of inheritance.²

Turkey had introduced the system of the Code Napoléon, but under its new Civil Code, illegitimate children enjoy the same rights as legitimate children. In other countries, on the other hand, the problem would appear to be growing more serious. Japan, whose laws used to be based on the "house", has introduced a system similar to that of the Code Napoléon, though, as a form of private marriage is fairly common, the problem would not appear to be of great social importance. In China, where the system of the large family was in force, the problem was virtually non-existent; recent alterations in the marriage laws, however, have had the effect of bringing the legal and social problem of illegitimacy into some prominence. In particular, the new Civil Code, which came into force in 1930, has done much to modernise the conception of the family. Small families on Western European lines, consisting of husband, wife and children, are taking the place of what are called families in the wider sense. The change which is taking place in this respect has led the legislature to introduce certain articles in the Code to regulate the lot of illegitimate children.

The social insurance laws will lead to considerable progress in favour of the unmarried mother and her child. The trades unions—the bodies most interested in social insurance—represent the classes in which illegitimate births are most common. As a result, the rights of illegitimate children have been better safeguarded by the social insurance laws than by any others. Furthermore, the fact that mothers and children in receipt of social

¹ *Hindu Law*, West and Majid, page 77, § 1A.

² *Ibid.*, page 408, 111.6.

assistance ceased to be entitled to such assistance on becoming insured necessitated legislation qualifying them for social insurance benefits.

With the progress of social welfare measures in the various countries, their practical value for unmarried mothers and their children is seen to be increasingly great.

III. PRESENT POSITION OF ILLEGITIMATE CHILDREN

So as to convey a general idea of the present position of illegitimate children throughout the world, the present survey will include :

- (a) An analysis of the various legal aspects of the question, and
- (b) An examination of statistical data.

I. LEGAL POSITION

For the purpose of the present survey, the various rights and obligations attaching to the legal position of children may be considered under the two following heads :

The initial position arising out of the individual's civil status. This includes, as a rule : Name, religion and nationality; status or caste (if any); and property and legal succession;

The specific rights and obligations relating to children, more particularly the so-called paternal power, guardianship and maintenance.

A. *The Initial Position.*

In this respect, the child's initial situation is frequently derived from its parents. It corresponds normally to that of the legitimate parents. In the absence of one legitimate parent, whose legal position as such would be in accordance with the laws of the country, the child's initial situation derives from the other legitimate parent, if any, or from the natural parents if recognised or known.

As regards property and legal succession, consideration may also be appropriately given to the distinction frequently made between legitimate and illegitimate children in relation, not to their parents, but to their respective families: this distinction arises from the prevailing conception of the illegitimate child; that is to say, according to whether it is regarded as having ties of relationship *with them* or not.

B. *Specific Rights and Obligations.*

The characteristic feature of this group of rights and obligations is that they do not automatically arise out of the general legal system of the country. In countries in which they are more or less highly developed, they are, in so far as the protection of the child is concerned, applied to illegitimate children either as they stand or in a modified or strengthened form.

C. *Categories of Illegitimate Children.*

The categories of legitimate children vary according to the laws of the different countries. It may be enough that the child was born in wedlock or it may be necessary for it also to have been conceived in wedlock to be considered legitimate. On the other hand, a marriage which has been annulled may suffice to make the child illegitimate, but there also the good faith of the parties may have to be taken into consideration (Austria, Germany and Poland).

If a marriage contracted in good faith is annulled, its effects still apply to the civil status both of the spouses and of the children, even if born before the marriage, provided the children have been acknowledged before the annulment of the marriage. If only one of the parties acted in good faith, the effects of the marriage apply only to the civil status of that party and of that party's children (Venezuela).

It may be sufficient if the child is born in wedlock to be legitimate—for instance, in Belgium, France, Luxemburg and Sweden. The question then arises as to the maximum time-limit of conception for a posthumous child. When the child must have been conceived during marriage, it is necessary to determine both the

maximum period of conception admissible and the shortest period.

As a rule, these time-limits are only presumptive, and their detailed calculation varies according to the country. Some countries, like Denmark, do not specify any particular period, but deal with the concrete evidence only.

(a) *Maximum Period.*

The maximum period, reckoning from the date of dissolution of the marriage (by divorce, by death of the husband or by annulment), is usually as follows :

(i) For certain purposes, there is a presumption of nine months or 280 days, but this presumption is rebuttable (English law);

(ii) Most countries recognise a period of 300 days (*e.g.*, the Argentine, Belgium, Bulgaria, France, Hungary, Italy, Luxemburg, the Netherlands, Portugal, Roumania, Spain,¹ Switzerland, Venezuela and Yugoslavia);

(iii) Some countries increase this period by a few days (*e.g.*, 302 days in China and in Germany, and 306 days in Latvia and in Poland; 305-306 days have been accepted in Scotland);

(iv) Canon law, and also Austrian law, for instance, fix it at ten months;

(v) 331 days were accepted as a possibility (England);

(vi) Finally, Mohammedan law usually allows a period of two years.

Norwegian legislation contains no provisions as to the period during which a child must be born after the dissolution of the marriage in order to be regarded as legitimate. The question is decided in each particular case. But it is considered that pregnancy cannot in any case exceed 320 days.

¹ Under Article 111 of the Civil Code an exception is allowed in the case of children born more than 300 days after the dissolution of the marriage or the separation of the parties. This Article provides that : "The husband or his heirs may refuse to recognise the legitimacy of a child born more than 300 days after the dissolution of the marriage or the judicial separation of the parties; but the child and its mother shall also have the right to prove the paternity of the husband."

(b) *Minimum Period.*

Numerous systems of legislation require the child to be conceived during marriage, and for this purpose lay down the following periods :

(i) Most countries specify 180 days (the Argentine, Bulgaria, Hungary, Italy, the Netherlands, Poland, Portugal, Roumania, Spain,¹ Switzerland, Venezuela and Yugoslavia);

(ii) In China, the period is 181 days, and it is 182 days in Latvia;

(iii) Under Mohammedan law, it is six months, and

(iv) Under Canon law and Austrian law, seven months;

(v) If a child is born in existing wedlock, the rule is that it shall be considered legitimate, however short a time it is born after the marriage was contracted. It is provided that a husband can by a simple application release himself from paternity in respect of a child born in wedlock (Norway).

2. CIVIL STATUS OF THE ILLEGITIMATE CHILD

The different aspects of civil status are of cardinal importance in the life of the individual, since, independently of his economic situation, they constitute in principle the background of his whole life (with the exception of the legal domicile which he acquires on coming of age or on emancipation). The influence of illegitimacy on the different aspects of civil status, therefore, seems to determine to a great extent the legal and social status of the individual. For the purposes of this study we can distinguish the following categories of rights representing aspects of civil status :

- A. Name;
- B. Membership of certain communities;
- C. Nationality;
- D. Legal domicile.

¹ Children born less than 180 days after the marriage are as general rule regarded as illegitimate, but in certain cases the Civil Code considers them legitimate. Article 110 provides that : " A child born less than 180 days after the marriage shall be presumed to be legitimate in the following cases : (1) if, before the marriage, the husband knew that his wife was pregnant; (2) if, being present, he agrees that the child to whom his wife has given birth shall be given his name in the birth certificate; (3) if he expressly or tacitly acknowledges it as his own."

A. Name.

The name is defined by many jurists as the outward sign of filiation. This study is not concerned with the correctness or otherwise of this view; but it may nevertheless be pointed out that, practically all over the world, people are designated by a name which always seems to be derived in one way or another from their parents, and primarily from the father. The forms of such names are highly varied; usually, the name derived is a family name or the name of a line; sometimes even it is a form signifying "son of" or "daughter of". This is the case, for instance, in Arab countries with names containing the words "ibn", "ebn", "aben", or "ben", and the question then becomes more difficult. In actual practice this form, however, appears to exist only in countries where illegitimacy is not of very great importance.

(a) *Legal Provisions.*

What, then, is the position of the illegitimate child if the legitimate child bears the father's surname?

(i) An illegitimate child may have no right at all to bear his father's or mother's name. According to Montenegrin law¹ he takes a derivative of his mother's prename (Marie Maritch, for example). In practice, the child is usually registered in his mother's name. This seems to be the case in the United Kingdom—(where the father and mother, acting jointly, may register the father's name—) and in Latvia.

(ii) In some countries, where every child is regarded as legitimate in relation to his mother but is not regarded as being related to his father, he bears the mother's name even in the event of acknowledgment by the father (Austria, Germany, Hungary and Roumania).

(iii) In countries where the legal relationship between the illegitimate child and his parents depends on acknowledgment, the child will usually take the name of the parent by whom he is acknowledged;

¹ In force in the jurisdictional area of the Higher Court of Podgoritza (Yugoslavia).

(iv) If both parents simultaneously acknowledge the child, all legislations agree in giving him the father's name;

(v) In case of successive acknowledgments, some systems of law decide according to priority (France);

(vi) The illegitimate child takes the surname of whichever parent has acknowledged it, or, if both have acknowledged it, that of the father (Venezuela);

(vii) Most of the other systems grant the name of the father (Brazil, Costa Rica, Norway, Spain, Venezuela and, in case of promise of marriage or criminal offence or abuse of authority, Greece and Switzerland);

(viii) The children of engaged persons are entitled to the father's name (Sweden);

(ix) The child is entitled to the father's name in Denmark,¹ in Norway—where he can, for instance, take such name at any time, where necessary by a change of name—and in countries where no distinction is made between legitimate and illegitimate children.

The father and, if the mother is married, her husband also, may give the child his surname, provided that the consent of the person having custody of the child and, in some cases, of the child itself is obtained (Sweden).

Where the child is given the mother's name, it remains to be considered what name this is. Most systems of law seem to have opted for the unmarried name even if the mother, being a widow or divorced, still bears her husband's name.

¹ Children are entitled to the family name either of the mother or, if paternity has been established, of the father. If a name has been given before paternity has been established, and if paternity is subsequently established, the child may be given the father's family name, subject to notification being made for entry in the register. Furthermore, in the event of the parental authority over the child being transferred from one of the parents to the other, the latter shall be entitled to give the child his or her family name, subject to notification being made for entry in the register. Finally, the child, after completing his eighteenth year, but not later than at the end of his twenty-second year, may send in a notification for entry in the register, changing his family name to that of the other parent. If, however, at the time of such notification, the child is under twenty-one years of age, he must obtain the approval of the parent who exercised parental authority over him up to his eighteenth year. Moreover, a change over to the family name of the other parent may be effected only in accordance with the rules governing changes of name.

In Austria, Finland, Germany and Sweden, for instance, the husband, however, is apparently entitled under certain conditions to give his name to his wife's illegitimate child.

In other countries, the child is given the mother's name, but not any title of nobility which she may have the right to bear; such titles are regarded as belonging to the head of the family, and at law the illegitimate child is only related to the mother and not to her family (Germany, Hungary).

Among many peoples, more particularly those of Iberian stock, the child usually bears the first surname of the father, together with the first surname of the mother. It would therefore seem that a surname similar to that borne by a legitimate child can be given to an illegitimate child only if it is acknowledged by both parents. On the other hand, the surname system is more flexible, and it is therefore easier to conceal illegitimacy by the name (*e.g.*, the law of Costa Rica doubles the mother's name if she has only one).

In the Union of Soviet Socialist Republics, married couples are known by the name either of the husband or the wife, and this is the name given to the children. As to the surname of an illegitimate child, it would appear that either the father's or the mother's name may be chosen.

Some countries seem to refuse to children born of adulterous intercourse the name of the father if he is married—either implicitly in that such children cannot be acknowledged, or expressly in order to safeguard the interests of the legitimate children.

Under the laws of many countries, children born of incestuous intercourse may not be acknowledged at all and this implies the impossibility of their receiving the name of the father or even, occasionally, that of the mother.

(b) *Effects.*

In most cases illegitimacy is revealed—with all the social disadvantages which this involves—by the name of the child. This problem is all the more complicated inasmuch as the solution which would seem to be the most equitable is not always very satisfactory, for if the child is given his father's name his illegitimacy is none the less revealed if he is in the care of his mother, who will usually bear a different name.

Another question arises as regards the change of name in consequence of acknowledgment, or even legitimation, after the child has already grown up. Such a change may be prejudicial to a child, for the attention of his immediate circle will thus be drawn to a circumstance that they may consider to be a disgrace and of which they were hardly aware after being accustomed to the name which the child bore.

B. *Membership of Certain Communities.*

Membership of certain communities is often decided by filiation. This is true more particularly in the case of :

- (a) Castes;
- (b) Family status;
- (c) Racial nationality;
- (d) Religious communities.

For the purpose of this study, however, these are questions of only relative importance, as each of them arises in only a very few countries.

(a) *Castes.*

Castes are groups of persons of the same name, usually distinguished by their endogamous character—*i.e.*, marriage is only permitted between members of the same caste. Children, therefore, belong to the caste of their father and mother. In the rare cases where a woman marries into a higher caste the children belong to the caste of the father. The question of the caste of the illegitimate child scarcely seems to arise, for in the countries where castes exist to-day, more particularly in China and Japan, the child is always welcomed rather than repudiated by his natural family.

It may be noted, however, that in India, where the caste system is prevalent, under the present law, marriage is regarded as valid only between persons of one and the same four leading castes—*e.g.*, Brahmins, Kshatriyas, Vaishyas and Sudras. Consequently, it leaves an ample scope for illegitimacy with regard to the offspring of intermarriages. This problem need not, however, arise

if the parents of such offspring effect a civil marriage in addition to Hindu marriage.¹

(b) *Family Status.*

A difference in family status involving legal consequences would seem to exist to-day in only a very few countries, where the nobility have certain legal privileges. In many countries, however, there are titles of nobility which form part of the name and involve social prerogatives only.

In regard to the family status of the father of an illegitimate child, the question apparently does not arise in practice.

A few countries would seem to grant the illegitimate child the family status of the mother (Latvia). As, however, family status is normally transmitted by males and not by females, certain countries apparently do not grant the mother's title of nobility to the illegitimate child even when he is regarded as legitimate in respect of the mother, since there is no legal relationship between the child and the mother's father, from whom the family status derives (Germany and Hungary).

The family laws of certain reigning and mediatised houses seem to give the head of the house the right to confer on a daughter's son one of the family titles of nobility.

(c) *Racial Nationality.*

Some countries grant certain rights to their nationals provided they belong to a particular race.² As membership of such a race is necessarily based on filiation, the determination of legal and natural paternity would seem to be of considerable importance.

(d) *Religious Communities.*

A child's membership of a religious community may be subject to provisions of different origin, depending either on the religion of his father and mother or on the laws of the country.

Religion.—The attitude of religious communities on this subject varies considerably, depending on the importance which they attach to illegitimacy, and among those communities in which

¹ *Position of Women in Hindu Law*, Mitter, page 346.

² *Volkszugehörigkeit.*

illegitimate birth constitutes a stigma, different points of view are also to be met with as regards membership of the community. For instance, illegitimate birth or even origin would seem to involve exclusion from the Jewish community. Christian churches, though they are deeply attached to the sacramental principle of marriage, would, nevertheless, not appear to penalise illegitimacy in this way. Canon law, for instance, merely lays down that an illegitimate child will take its mother's religion.

National Legislation.—The various countries have also enacted different provisions regarding the religion of children. These provisions concern only the child under age, and even in many cases only up to the age of 18, or, as in Austria, up to 14. In principle, the child does not automatically take the religion of the person from whom he receives it. Such person may, to begin with, choose another for the child. Some countries do not seem to admit that a child can have no religion, but stipulate that, should the person who is entitled to decide a child's religion not have exercised the right, the child will take the religion of that person, or else the religion which he practised previously if he had at the time given up all religious practice (Austria, Hungary).

For the purposes of this study, it would seem advisable to distinguish between :

(i) The religion originally conferred on the child, and

(ii) The change of religion as the result of a change in the child's legal status.

(i) *The Religion originally conferred on the Child.*—Some countries expressly stipulate that, in case of illegitimacy, the mother shall decide the child's religion. This would seem to be the case in Western Australia, for instance, and in Austria and Hungary.

The mother has *prima facie* the title to the custody of the child and to determine its religion : if the child is removed into the custody of a third party for any reason, effect will, if possible, be given to her wishes as to its religious upbringing (United Kingdom).

Many countries seem to include the choice of religion among the functions of parental power or guardianship (France and Switzerland), with the result that in such cases there is not much

difference between the treatment of legitimate and illegitimate children.

(ii) *Change of Religion as the Result of a Change in the Child's Legal Status.*—The legal status of the child may be altered either by acknowledgment or by legitimation, and in both cases this may lead to a change in his religion.

Acknowledgment.—In legislations where the choice of religion is part of the parental power or of guardianship, acknowledgment supervening between the time when the child was given a religion and the age at which he is free to decide for himself—this is frequently fixed at 18, though practice varies—might apparently involve a change in the child's religion as a result of a change in the person holding rights of guardianship. Nevertheless, the guardianship authority must be able to take action to prevent a decision prejudicial to the child.

Where an illegitimate child is regarded as legitimate in relation to his mother, acknowledgment by the father may sometimes lead to a change. This is the case, for instance, in Hungary, where the father can, within a period of six months and provided that the child is boy under 7, ask for the child to take his own religion.

Legitimation.—Legitimation by the subsequent marriage of the father and mother may indirectly lead to a change in the child's religion by changing the person invested with rights of guardianship.

In the case of legitimated children under 7 years of age, the provisions concerning legitimate children apply, as if the child were born at the time of legitimation (*e.g.*, Austria and Hungary). The father and mother may choose the child's religion in virtue of a formal contract, or the boys may take the father's, and the girls the mother's, religion.

When a child is legitimated by rescript, for instance in Hungary, the father may, within a period of six months and provided that the child is a boy under 7, ask that he should take his own religion.

Nowhere do the provisions regarding the change in the illegitimate child's religion resulting from a change in the religion of the father or mother, when entitled to decide the matter, seem to differ from the provisions regarding legitimate children.

C. *Nationality*,¹

It would appear that, under the laws of all countries, every person is deemed to possess a nationality and to be the subject or citizen of some State. The laws relating to nationality vary considerably, and since national law can do no more than define who are to be deemed nationals of the country concerned and who are not—since it cannot, that is to say, go beyond the denial of nationality—this gives rise to many cases of Statelessness, on the one hand, and of double nationality on the other. But these are merely subsidiary effects of the laws in force and illegitimacy only comes into the question incidentally. It is therefore not proposed to go into the matter here.

Certain countries have adopted laws on nationality and naturalisation which aim at keeping down the number of their nationals. On the contrary, others are anxious to increase their population. (For instance, in order to acquire French nationality, a child born in France takes, where necessary, the nationality of either his father or his mother.) It is this consideration, therefore, which determines the relevant provisions of the various laws relating to illegitimate children, rather than the country's conception of legitimacy; nevertheless, this conception is of considerable importance, in view of the part played by filiation in these matters.

Nationality laws are based on two fundamental principles—the *jus sanguinis*, the principle of filiation, and the *jus soli*, the territorial principle. When the former prevails, the question of filiation must, of course, be definitely settled; but even when the second is the over-riding principle—which is the case under only a very few legal systems, chiefly the Anglo-Saxon—filiation is nearly always an important secondary consideration.

Nationality can, it would appear, be transmitted only to minors. (This also applies to legitimate children whose parents change their nationality, or in the case of a conflict of nationalities acquired under the *jus soli* and the *jus sanguinis* respectively.) Consequently, the nationality of an illegitimate child can be affected by acknowledgment or legitimation only during his minority.

¹ Staatsangehörigkeit.

A child who is of full age or emancipated sometimes has a right of option, in case of acknowledgment (Albania and Italy).

For the purposes of the present study, a distinction should be made between :

- (a) The child's original nationality;
- (b) The child's acquired nationality;
- (c) A change in the nationality of his father and mother.

(a) *Child's Original Nationality.*

A child usually acquires a nationality at the moment of birth, or in any case when the birth is registered.

Where birth is governed by the *jus sanguinis*, the position may vary considerably.

There are only a few countries in which the provisions of the *jus sanguinis* applicable to legitimate children do not apply at all to the illegitimate child. For instance, under the Lithuanian law, the *jus soli* appears to apply to every illegitimate child.

Where the legitimate child takes the father's nationality, the following provisions seem to apply to illegitimate children :

(i) In the case of children whose father and mother are legally unknown—*i.e.*, unacknowledged children—the *jus soli* is applied (for instance, in Belgium and Luxemburg);

(ii) Among countries in which every child is regarded as legitimate in relation to his mother, some confer the mother's nationality on the illegitimate child (Austria, Danzig, Denmark, Finland, Hungary, Iceland, Norway, Roumania, Sweden, Switzerland and Yugoslavia);

(iii) The child takes his mother's nationality unless he has previously been acknowledged by his father (Belgium and Luxemburg);

(iv) The child takes the nationality of the parent who first acknowledged him (Bulgaria, China, France, Japan and Monaco);

(v) Where he is acknowledged simultaneously by both parents, the child may take either his mother's nationality (Belgium and Luxemburg) or his father's nationality (Bulgaria, France, Monaco);

(vi) The child takes his father's nationality if the latter has acknowledged him or, if not, his mother's nationality (Albania, Bulgaria, Egypt, Italy and Poland);¹

(vii) The child takes his father's nationality where this is known, independently of his civil status. This appears to be the case in China, the Dominican Republic, Estonia, Japan, Peru and Spain, and, of course, in countries which make no distinction between legitimate and illegitimate children.

The laws of a large number of countries contain special provisions, the object of which is to extend the categories of nationals so as to increase the population, and such provisions usually benefit illegitimate children.

(i) For instance, the illegitimate child of an Estonian mother takes her nationality if the father is a foreigner, but not *vice versa*.

(ii) Every child, irrespective of his civil status, takes his mother's nationality if the father is a foreigner, but not *vice versa*. This appears to be the case in several Latin-American countries, provided the child is domiciled or resident in the national territory, and in France, for instance, provided he was born there.

(iii) A child whose father and mother are unknown is "deemed to be the child of German parents" under the legislation of the Reich.

If nationality is governed by the *jus soli*, as is the case in the British Empire, the position of the illegitimate child is usually similar to that of the legitimate child.

(b) *Child's Acquired Nationality.*

A child may change his nationality as the result of a change in his status: acknowledgment or legitimation—in the case of illegitimate children—and possibly as a result of adoption.

(i) *Acknowledgment.*—In certain countries, acknowledgment during the child's minority may lead to a change in his nationality.

¹ In Poland, acknowledgment affects the child's nationality up to the age of 18 only.

This is apparently the case, if he is acknowledged by his father, in Bulgaria, China, Egypt, Italy, Japan and Poland.

(ii) *Legitimation*.—The legitimation of a child may lead to a change in his nationality (for instance, in Belgium, Danzig—where it may have the same effect even in the case of a child who is of age and his issue—Estonia, France and Luxemburg). As regards Roumanian and Yugoslav nationality, legitimation by a national appears to have a retroactive effect, going back to the birth of the child.

(iii) *Adoption*.—Adoption entails a change of nationality, independently of the child's civil status, in only a few countries.

According to English law, an illegitimate child born outside British territory does not acquire the British nationality of its mother, nor does it do so if she legitimates it by subsequent marriage, nor would it do so if she adopted it in a foreign country. The mother can only adopt her illegitimate child in England if that child has British nationality, whether by birth in British territory or by its having been granted a certificate of naturalisation; and, in general, it cannot be naturalised until it is about 14 or 15 years old.

(c) *A Change in the Father's or Mother's Nationality.*

The child usually takes the nationality of his father or mother at the time of his birth, acknowledgment or legitimation. The nationality previously acquired by the mother through a marriage which, for some reason or other, does not entail the legitimation of the child, appears to constitute an exception to this rule.

What then is the position of the child if his father or mother changes his or her nationality after he has acquired such nationality?

(i) *Naturalisation*.—In the event of the father's naturalisation, his children under age appear, independently of their civil status, to acquire his new nationality automatically, if their original nationality was acquired through him. This seems to be the case under the laws of most countries.

In the event of the mother's naturalisation, the illegitimate child would likewise appear to acquire her new nationality if his original nationality was acquired through her (for instance, under

the laws of Austria, Danzig, Finland, Iceland, Poland, Sweden and Yugoslavia). This is also the case in Denmark, unless the special law conferring Danish nationality on the mother expressly provides for an exception to the said rule in respect of the illegitimate child, and in Norway, unless the child has been placed in the custody of his father who is a foreigner.

Where naturalisation is granted as a privilege to foreigners who have children born in the national territory, only legitimate children are included. This is the case in Mexico.

In Venezuela, the children under age of a naturalised person enjoy the benefits of naturalisation until attaining their majority, and continue to be regarded as Venezuelans unless, within one year of attaining their majority, they make a declaration to the contrary to the Federal Government or its diplomatic or consular agents abroad.

(ii) *Marriage*.—Where the mother changes her nationality through a marriage which, for some reason or other, does not entail the legitimation of her child, the latter does not usually acquire her new nationality. This is expressly stipulated in the Austrian law.

D. *Legal Domicile*.

As the legal domicile is the place where a person has his legal existence, the minor's legal domicile usually depends on the residence of the person who exercises guardianship rights of representation and administration in regard to him.

Only in exceptional cases is an entirely different rule applied in regard to illegitimate children, as, for instance, in Spain, where their legal domicile is the place where they usually reside.

In most of the countries in which every child is regarded as legitimate in relation to his mother, his legal domicile is the same as that of his mother.

Lastly, the provisions of most laws relating to legitimate children appear to apply, *mutatis mutandis*, to illegitimate children, their legal domicile being the same as that of the person invested with parental power or guardianship.

IV. LEGAL PROTECTION OF THE CHILD

I. SPECIAL MEASURES CONCERNING REGISTRATION OF BIRTHS AND OFFICIAL DOCUMENTS DISCLOSING ILLEGITIMACY

The disclosure of illegitimacy may cause serious social harm to the persons concerned. Such disclosure may take place on many occasions, seeing that when persons of illegitimate birth entering school or the army, take up a new employment or change their domicile or country, take out an insurance policy or vindicate their rights in court or elsewhere, they must prove their identity by producing official documents such as extracts from registers of birth, or from land or other registers, certificates of origin, marriage certificates, death certificates, etc.

The present chapter will deal with the question whether illegitimacy is disclosed in such documents, and if so, to what extent.

A. *Registers of Births.*

In countries where the registration of births is compulsory, legitimacy or illegitimacy is indicated as follows :

- (i) In most countries, it is explicitly mentioned.
- (ii) In certain countries, it is revealed by the names of the parents.
- (iii) In other countries, illegitimacy may be deduced from the fact that the name of one of the parents is missing from the register of births. This indication, however, is not so clear. The chief countries in which this is the case are France, Ireland and certain States of the United States of America.
- (iv) In Turkey, the name "Abdullah" is currently used as a substitute for the name of the unknown father to avoid any disclosure of illegitimacy.

Acknowledgment, legitimation or adoption occurring after the registration of the birth is generally entered as a marginal note.

In Ireland, there is provision for a second full registration of the birth of a child legitimised by a subsequent marriage. In the United Kingdom, an amendment was proposed in 1934 to this effect.

Entry in the register does not necessarily mean that parentage will be made widely known. Registers are usually almost inaccessible to the public; in some States of the United States of America, for instance, they can only be consulted by special authorisation of the court; in practice, extracts from the registers are most often used for purposes of identification.

In certain countries, however, registers of births are open for public inspection without any special authorisation (e.g., Venezuela).

In this connection, the principle laid down in Article 43 of the Constitution is so definite that the Spanish legislature was obliged to give effect to it forthwith. The Decree of February 3rd, 1932, provides that :

“ Legitimacy or illegitimacy and the status of the parents shall not be mentioned in birth certificates.

“ The names of the parents and grandparents may not be entered unless the following conditions are fulfilled : the father or mother in person, or through a representative furnished with special powers, must be present when the entry is made; proof of the marriage of the parents must be produced or it must be known to the registrar, or a signed statement must be produced by the person making the declaration which it is desired should be placed on record. These documents must be filed and may not be made public otherwise than by a judicial order, if criminal proceedings are instituted or if a dispute is brought before the courts.”

B. *Full Extracts.*

Full extracts from the document entered in the registers of births are issued in many countries.

If no change has taken place in the civil status or condition since the registration, such extracts reveal the parentage to the same extent as the register.

If there has been acknowledgment, legitimation or adoption, the fact that this has been entered in the register may be deduced from the wording of the extract, or the extract may declare the child legitimate without giving further details (as, for instance, in British Columbia, in Canada and in—Cuba).

Such full extracts may be used in the following cases :

- (i) Only full extracts are allowed in some countries;
- (ii) In other countries, they are in general use (Venezuela);
- (iii) They should be used whenever it is important to discover the parentage (but in such cases their publication may be limited; for instance, in Switzerland details of parentage are never published in cases of marriage), either at the special and justified request of any person concerned or on authorisation by a court or other public authority, and, in some States of the United States of America, at the request of the illegitimate child's mother.

C. *Abridged Extracts.*

A great many countries have begun to use abridged extracts, perhaps chiefly on account of the high cost of full extracts. In such abridged extracts, illegitimacy can be ignored.¹

¹ *Canada.*—In the province of *Ontario*, the authorities issue a birth certificate giving the name and sex and the date and place of birth.

United States of America.—The following forms are used: *Maryland* mentions the name of the holder and the date of birth; *New York* issues a certificate of age, mentioning the name of the holder and the date and place of birth; *Wisconsin* has a birth certificate giving the name of the holder, the maiden name of the mother and the date and place of birth.

Finland.—For admission to an elementary school, a certificate is regarded as sufficient in practice if it contains the full name of the child and the date and place of birth.

Germany.—The forms for abridged birth certificates read as follows :

Certificate of Birth.

Christian names and surname
 Born on
 At
 Date

(Stamp.)

The Registrar.

The *Netherlands* have introduced a document which reads as follows :

“The registrar of the commune of declares, after having consulted the register of births of that commune, that to the

Abridged extracts may be issued in the following cases :

(i) In some countries, they can only be granted to illegitimate or legitimised children;

(ii) In other countries, they may also be issued to adopted children (Venezuela);

(iii) Some countries issue them on request to any person interested; the saving effected on such abridged extracts tends to encourage these requests;

(iv) In other countries, they are issued as a general rule, except when complete copies are specially asked for.

The way in which these abridged extracts deal with filiation varies greatly from one country to another :

(i) Some of them indicate it expressly or by implication;

(ii) Others omit reference to filiation only in cases of adoption or legitimation (in Belgian administrative practice, only in cases of legitimation by subsequent marriage of nationals);

(iii) Other countries do not mention it but give the name or names of the parents, from which legitimacy or illegitimacy may be deduced;

(iv) Some countries give neither the filiation nor the names of the parents in their abridged extracts.

Abridged extracts may be used in the following cases :

(i) In Portugal, for instance, for marriage certificates; but in such cases subsequent consultation of the full document is allowed;

(ii) For purposes of school attendance, military service, the issue of labour permits, insurance and public assistance

best of his knowledge a child of the sex, which received the name of, was born at that place on (date)."

The authorities of *Surinam* issue a birth certificate giving the family name, the Christian names and the place and date of birth.

Switzerland.—The registrar is authorised to issue an abridged extract from the birth register, stating surname and given name, place of origin and place and date of birth.

pensions (Germany), examinations, competitions and applications for posts (the Netherlands), but in these cases subsequent consultation of the registers is not allowed;

(iii) In civil life, on all occasions when there is no question of filiation;

(iv) Generally, even in relation to the administrative authorities (but probably never for the courts), when there is no question of filiation.

D. *Variable Forms.*

Many countries apparently do not consider it necessary to provide full extracts as birth certificates, or to have a form corresponding in all details to the full text in the register. The details given may therefore vary from one category of registry officials to another in towns and parishes (in Norway, the names of the parents are generally given, except for adopted children, but may equally well be omitted), or may depend upon the use to which the extract will be put (thus, in Finland, the parentage may often be ignored and, as a general rule, also in Sweden, where the matter has been dealt with practically). The general rule in Estonia and Lithuania is for the filiation not to be mentioned in the extracts, and in Switzerland definite references to it in any extract are even forbidden by law.

E. *Other Official Documents.*

Whether official documents other than birth certificates disclose illegitimacy or not depends, in some countries, on the way in which such documents are treated, in others occasionally on their form, and sometimes on the purposes for which they are intended, which may necessitate disclosure of descent. Here, again, is seen the desire to prevent disclosure of illegitimacy to the detriment of the person concerned, the same desire giving rise to such measures as provision for abridged extracts of death certificates bearing no mention of filiation (New Zealand and other countries).

2. ACKNOWLEDGMENT OF ILLEGITIMATE CHILDREN

Acknowledgment is the act of establishing the paternity or maternity of illegitimate children. When there is no voluntary acknowledgment, some legal systems entitle a child to seek out its father or mother and compel them to acknowledge him on the production of evidence.

A. *Legal Acknowledgment.*

(a) *Establishment of Maternity.*

In practice, it is seldom necessary to establish the identity of the mother, because it is obvious from the fact that she has given birth to a child. It is nevertheless authorised in some countries (for instance, Belgium, Province of Quebec (Canada), Ecuador, France, Italy, Japan, Monaco, the Netherlands, Portugal, Spain, former Kingdom of Roumania, and Venezuela).

Maternity may be established by a lawsuit intended to prove, both the fact that the mother has given birth to a child, and the identity of the child. There may be certain restrictions as to evidence, particularly regarding the necessity of a commencement of written proof, presumption, or circumstantial evidence.

The action is generally imprescriptible. It may be begun at any time after the birth of the child, during his life, and even sometimes after his death, and also during the life of the mother and, as a general rule, after her death.

The right to lodge a claim for the *status familiae* may belong solely to the child or, on the other hand, to any interested party. The claim may be lodged against the mother and sometimes against her heirs.

(b) *Establishment of Paternity.*

Present tendencies seem to be in favour of establishing paternity, in respect of the extent of its admissibility, as well as of its effects.

(i) *Methods.*—There are different methods of establishing paternity :

(a) By a civil action (the most common method), chiefly in the Union of South Africa, Austria, China, Danzig, Denmark,

Estonia, Finland, Germany, Hungary, Latvia, Sweden, Switzerland and, in some cases, Canada, Salvador, Siam, the Union of Soviet Socialist Republics and some States of the United States of America;

(b) By a criminal action (in some States of the United States of America);

(c) By administrative proceedings (for instance, in Denmark, Norway and the Union of Soviet Socialist Republics).

(ii) *Conditions*.—The establishment of paternity is subject to different conditions in different countries :

(a) It is officially forbidden in a few countries only (for instance, Bulgaria and some States of the United States of America).

(b) It may, without being specified, result indirectly from an action claiming a maintenance allowance, subject to certain conditions (for instance, in India and Ireland).

(c) It may be forbidden in principle, but allowed in exceptional cases (for instance, in some States of the United States of America, and in the old Kingdom of Roumania).

(d) It may be allowed only when offences have been committed during the legal period of conception (for instance, Italy and the Netherlands).

(e) It may be allowed in cases of :

Rape or abduction during the period of conception (as in Belgium, China, France, Italy, Monaco, the Netherlands, Portugal, the old Kingdom of Roumania, Spain, Siam and Venezuela);

Illegal detention or imprisonment of a woman during the period of conception (for instance, in Belgium, China, Monaco and Siam);

Seduction by means of guile, abuse of authority, promise of betrothal or marriage, and if there is a commencement of written proof (for instance, in China, France, Luxemburg, Monaco, Portugal and Siam);

Notorious cohabitation (for instance, in China, France, Luxemburg, Portugal and Siam);

When the child has been commonly treated by the father as his offspring (“*possession d'état d'enfant naturel*”) (as in Belgium, France, Luxemburg, Monaco, Portugal, Siam and Spain);

A document in writing by the father proving his paternity beyond all reasonable doubt (in China, France, Luxemburg, Monaco, Portugal, Siam and Spain).

(f) It may be established in every case (for example, Union of South Africa, Australia, Austria, United Kingdom, Canada, Danzig, Finland, Germany, Hungary, Switzerland and the Union of Soviet Socialist Republics).

(g) It is compulsory in Denmark, Norway and Sweden.

(iii) *Prescription*.—The action for claiming civil status may or may not be subject to prescription :

(a) It must be begun within a certain time limit after birth; otherwise it will not be entertained. The time limit is ten years for Ecuador, two years for France and Luxemburg, one year for Switzerland. The period of prescription will depend upon the proceeding in which the matter arises, but, in general, there is a limit of one year from birth in proceedings for an affiliation order (United Kingdom).

(b) When the father has died during the minority of the child, the latter is allowed four years after his coming-of-age to bring the action; if the father left an unknown document in which he formally acknowledged the child, the time limit allowed is six months, according to Spanish law.

(c) In some countries, the action is imprescriptible (for instance, in Austria, Brazil, Germany, the Union of Soviet Socialist Republics, and Venezuela).

(d) The action for claiming the status of legitimacy may be imprescriptible, so far as the child is concerned. The heirs or descendants of a deceased child may not bring such an action unless the child has died a minor or within five years of attaining his majority. The heirs or descendants may continue any action pending instituted by the child unless the claim has been withdrawn or a final judgment has been delivered (Venezuela).

(iv) *Time*.—The action may sometimes be begun before the birth of the child—chiefly, in some Canadian provinces, in Denmark, the United States of America, Norway and the Union of Soviet Socialist Republics.

The laws of the great majority of countries, however, only allow of its beginning after birth.

Action must be taken within five years of the birth of the child (China).

In some cases, it may be continued after the death of the child (in Belgium, for instance, by his heirs, in France by the mother, and in Switzerland by the mother or her heirs).

No period is provided in Norway during which action to establish paternity may be taken.

In Siam, the action may be begun by the descendants of the child provided that such action shall be entered within one year from the date when the claimant knows or ought to have known of the grounds for legitimation. Such action cannot, however, be entered after ten years have elapsed since the death of the child.

(v) *Objects*.—The laws of all countries do not entitle children, whatever may be the origin of their birth, to bring an action for the establishment of paternity.

(a) This right is only granted to ordinary illegitimate children (for instance, in France, Italy and the Netherlands).

(b) It is also granted to children born of incestuous intercourse under certain conditions (in Monaco, Portugal and Spain).

(c) It is granted to all children indiscriminately (in Austria, Germany, Poland and Switzerland, for instance).

(vi) *Plaintiffs*.—The action may be brought by different persons :

(a) By the child, either in person or through his guardian (for instance, in Austria, Canada (Province of Quebec), Denmark, Germany, Hungary, Luxemburg, Monaco, Portugal, Salvador and Switzerland);

(b) By the child, or by his or her mother (for instance, in Denmark, Greece and Switzerland);

(c) By the mother, before the birth of the child or during his or her minority (in France);

(d) By certain relatives or friends (in some Canadian provinces);

(e) By anyone able to prove that he has taken care of the child (for instance, in Denmark and Ecuador);

(f) By a curator specially appointed for the child, unless the person having custody of the child (as a rule, the mother) brings such a suit on the child's behalf (in Sweden);

(g) By a competent authority (in Denmark and some other countries).

(vii) *Defendants*.—The action is directed against the father. Should he be dead, it may sometimes be taken against his heirs (for instance, in Austria, Brazil, France, Germany, Greece, Switzerland, the Union of Soviet Socialist Republics, and Venezuela); in Spain, action may be brought if the father died during the child's minority or if he left a document formally acknowledging him. In such cases, suitable steps for the protection of the legitimate children have been taken by some countries, such as Germany and Switzerland.

(viii) *Methods of Defence*.—The laws of various countries place at the disposal of the father certain methods of defence, so that he may prove that he is not the father or that his paternity is doubtful. The following is a brief analysis of these methods of defence.

There exist two forms of defence : one which may be used under any circumstances and which, if deemed to be justified, leads to the rejection of the action (as, for instance, in French law and the Swiss Code, the notorious misconduct of the mother); or the other, which merely weakens the presumption, which may then have to be dealt with by a procedure in which both sides are heard (for instance, in Austria, Germany and Switzerland in cases of impossibility).

The defendant may plead the notorious misconduct of the mother during the legal period of conception, or the fact that the mother during that same period had intercourse with another individual *exceptio plurium concubentium*.

In Finland, however, the *exceptio plurimum concumbentium* is allowed only in cases where the defendant wishes to prove that he could not have caused the pregnancy of the mother.

The success of the defence may produce different effects :

(a) A plea of infidelity may be a factor of elimination, as in some Canadian provinces, France, Germany, Siam and Switzerland.

(b) It may annul the presumption of paternity, at the same time making the individuals who cohabited with the mother at the legal period of conception jointly and severally responsible for maintenance contributions (for instance, in some provinces of Canada and in Norway). This is obviously a weakening, since in these legislations the establishment of paternity tends to create civil status relationships, whereas obviously under other legal systems the action to establish paternity in no case produces more extensive effects.¹

(c) One of the respondents may be acknowledged to be the father, but all those who cohabited with the mother are bound to contribute to the maintenance allowance.

(d) In cases where the mother is found to have had intercourse with several men during the period of conception, only one is deemed to be the father of the child and thereby obliged to pay a maintenance allowance (Union of Soviet Socialist Republics).

The respondent may also plead *exceptio impossibilitatis* if it was a physical impossibility for him to be the father of the child either on account of some accident or because he was too far away. Such evidence is of use both as a defence in an action for the establishment of paternity and for an action for the establishment of the illegitimacy of a child born of adulterous intercourse.

¹ In Denmark, in accordance with paragraph 22, Section 2, of Law No. 131 of May 7th, 1936, concerning illegitimate children, where, in affiliation proceedings, several persons are held to be liable to make contributions towards the maintenance of the child, the amount payable is assessed in respect of each of them and is always fixed at the amount which constitutes the standard contribution at the time. In such cases, the contributions are collected by the National Child Welfare Council and paid into a special fund administered by the Council, out of which the person entitled is paid the contribution (not exceeding the standard rate), where necessary in the form of advances made out of public funds through the social committee of the commune of residence concerned.

A husband may refuse to acknowledge a child conceived during matrimony if he can prove that it was physically impossible for him to have access to his wife during the first 121 of the 300 days preceding the birth or if during that same period he was legally separated from his wife (Venezuela).

Whenever the paternity is uncertain, the laws of various countries settle the question in different ways :

(a) The decision is left to the discretion of the judge, as in the Swiss Code.

(b) If there is uncertainty, the defendant may in some countries be freed from all obligation.

(c) If, owing to uncertainty, paternity cannot be established, the presumed father is obliged to pay maintenance allowance. This seems to be the case in many countries where the clear establishment of paternity would endow the child with civil status.

B. *Voluntary Acknowledgment.*

A distinction may be made between (a) formal acknowledgment and (b) tacit acknowledgment.

(a) *Formal Acknowledgment.*

(i) *Forms.*—A child may be formally acknowledged in its birth certificate or baptismal certificate, in the marriage certificate of its father and mother, by will, by a notarial act, a public act or an act *inter vivos*, and by a judicial acknowledgment.

The form of acknowledgment is not always the same for the father and the mother. For instance, in Bolivia the father may acknowledge the child in the parish registers, by a public act, a document in writing signed but not sealed or witnessed, and by will; the mother may acknowledge the child by a document in writing drawn up in the presence of two witnesses.

(ii) *Formal Effect.*—Acknowledgment has a retroactive effect—that is to say, parentage is established from the time of the child's birth.

The laws of certain countries, the Argentine in particular, appear to allow the acknowledgment to be revoked where the

child has been acknowledged by will. The laws of most countries regard it as irrevocable even if the act effecting acknowledgment can be revoked (for instance, the laws of Brazil, France, Mexico, Spain, Uruguay and Venezuela).

(iii) *Children who can be acknowledged.*—Not all illegitimate children can be acknowledged. For instance, the French laws (although they authorise legitimation in such cases), the Italian, Netherlands and Swiss laws exclude children born of adulterous or incestuous intercourse from acknowledgment. Some laws authorise the acknowledgment of children born of incestuous intercourse provided the parents were in a position to contract marriage with a licence (for instance, Bulgaria, Monaco, Portugal and Spain). Other laws authorise the voluntary acknowledgment of children born of adulterous intercourse, but not those born of incest (the Argentine, Greece and Portugal).

No child may legally be acknowledged as legitimate if at the time of its conception one of its parents was legally debarred from contracting matrimony (Venezuela).

(iv) *Time.*—A child may be acknowledged before birth, during its lifetime and after its death. The law of most countries—or, at any rate, their legal practice—authorises the acknowledgment of a child that has been conceived (for instance, Belgium, Brazil, France, Italy, Mexico, Portugal and Venezuela).

Acknowledgment normally takes place during the child's lifetime.

The law of many countries allows of the acknowledgment of a deceased child, but, in some cases, only on condition that he has left issue (Venezuela).

(v) *Persons who may acknowledge the Child.*—Who has the right to acknowledge a child?

(a) The mother may acknowledge her child under laws which do not place the illegitimate child on the same footing in relation to its mother as the legitimate child and which do not regard maternity as established *ipso facto* by childbirth.

(b) The father may usually acknowledge his child. Under certain laws, all persons who cohabited with the mother at the legal period of conception may apparently acknowledge the same child without clearly establishing their paternity.

(c) As a general rule, acknowledgment is a purely personal act and cannot be effected by a third person—that is to say, by the father for the mother, or *vice versa*, or by a third person for either of them.

Nevertheless, under the Swiss Civil Code, the paternal grandfather may acknowledge the child in the place of his son where, for instance, the latter is deceased or is without discretion, and may do so under the Greek and Swiss laws where the son is dead or permanently without discretion.

Under Austrian law, the mother may state the father's name in the entry in the register of births or baptisms, but it would appear that this merely constitutes a presumption.

On the other hand, certain laws prohibit naming the father if only he has not acknowledged the child (Colombia, Venezuela).

(vi) *Capacity*.—Persons who are *sui juris* may acknowledge their child. As a rule, minors and persons under disability and, under the laws of many countries, married women, are regarded as incapable. Nevertheless, in many cases acknowledgment effected by such persons is recognised, sometimes formally but more often by implication. For instance, a minor may acknowledge a child without the assistance of his guardian provided he has arrived at puberty (in France, Mexico, Portugal, Spain, Switzerland and Venezuela, for instance). In many countries, a lunatic may acknowledge a child in a lucid interval. A married woman may acknowledge her child without her husband's consent (in Brazil, France, Switzerland and Venezuela, for instance).

(vii) *Approval*.—The question of the acceptance or approval of acknowledgment by the child is dealt with very differently in different countries :

(a) For instance, in France and Venezuela it is excluded.

(b) In certain countries, it is presumed to be tacitly given.

(c) In other countries, it must be expressly given.

(d) In Spain and Portugal, for example, it must be expressly given if the child is of age at the time of acknowledgment.

(e) A natural child of recognised paternity may disavow the recognition by the father. The mother has the same right (China).

(f) A child acknowledged during his minority is allowed a period of four years after he attains his majority in which to dispute his acknowledgment (for instance, under Mexican, Portuguese and Spanish law).

Under Spanish law, when the child has been acknowledged by an act *inter vivos*, judicial approval is required.

(viii) *Legal Effects*.—The effects produced by judicial acknowledgment and by voluntary acknowledgment appear to be the same under the laws of every country. But they vary considerably according to the country, and above all according to the fundamental conception of acknowledgment—*i.e.*, whether it establishes bonds of relationship or not.

(a) The sole effect of acknowledgment may be to require the parents to provide for the child's maintenance (as in the Union of South Africa, Australia, Austria, United Kingdom,¹ Danzig, Estonia, Finland, Germany, Hungary, Latvia, United States of America, and Venezuela).

(b) In addition, it may establish certain rights in the matter of inheritance (as in Salvador and Venezuela).

(c) It may have a more or less extensive or conditional effect on the child's civil status (as in Sweden and Switzerland).

(d) The effects of acknowledgment appear to be the same as those of legitimation under legal systems which do not provide for the latter (China).

(b) *Tacit Acknowledgment.*

The law of many countries allows tacit acknowledgment when a child "possesses status" (possession d'état), which is interpreted in various ways, according to the country. It may mean that he has always borne his father's or mother's name; that he has been treated as their child and that they have provided for

¹ It is an open question whether paternity has *per se* any legal effect, but it may make it impossible for the father to defend any action dependent on paternity being established.

his education, maintenance and settlement in life; that he has always been acknowledged as their child by their acquaintances and in the family. In such cases, the taking of all the steps regarded as the consequence of voluntary acknowledgment serves as a basis for the presumption of such acknowledgment.¹

C. *Social Effects.*

The social effects of acknowledgment appear to depend to a large extent on the legal effects which it produces; the economic effects naturally correspond to them. It is hard to say whether the consequences of voluntary acknowledgment will be more favourable to the child than those of judicial acknowledgment having the same legal effect—this may possibly be the case if the acknowledgment was really voluntary and not only according to legal terminology.

8. RE-ESTABLISHMENT OF THE LEGITIMATE STATUS OF CHILDREN

Legitimation may be defined as a legal benefit whereby a child is raised under certain conditions to the rank of a legitimate child. It thus enables the father and mother of an illegitimate child to rehabilitate the child in society and to repair the wrongs which they have committed towards it. This result may be obtained :

- A. By acknowledgment;
- B. By an authoritative act of the State;
- C. By the subsequent marriage of the father and mother.

A. *Legitimation by Acknowledgment.*

In the legal systems which do not provide for, or have abolished, the distinction between legitimate and illegitimate children, mere acknowledgment suffices to confer the status of a legitimate child. According to Finnish legislation, acknowledged children possess the right of inheritance.

(i) This appears to be the case particularly in some countries with Moslem law, and in certain States of the United

¹ Present Chinese legislation shows a marked preference for the system of tacit acknowledgment.

States of America, where "all children are the legitimate children of their natural parents".

(ii) Although the forms of legitimation properly so-called exist in Norway, a declaration of paternity noted in the manner stipulated by law and with all the consequences provided thereby takes the place of legitimation.¹

In the legal systems in which acknowledgment has a much smaller effect, rehabilitation must be obtained by an act of legitimation properly so-called. In so far as the effects of acknowledgment are restricted, the factor of legitimation gains in importance. There would, however, appear to be legislations which do not provide for this institution, such as that of Ireland.

B. *Legitimation by an Authoritative Act of the State.*

(a) *Legitimation by Adoption.*

In several States of the United States of America, public adoption by the natural father confers upon the child the character of a legitimated child and not that of an adopted child.

(b) *Legitimation by Rescript.*

A number of countries provide for legitimation by special authorisation based on the old form of "Rescriptum Principis", which, in fact, exists in many monarchical countries.

(i) *Conditions.*—The conditions required for the grant of the rescript are generally as follows:

That the applicant has no legitimate or legitimated child and that his children have no issue;

That legitimation by subsequent marriage is impossible;

That the spouse has consented, if the parent applying for legitimation is married.

Some countries grant legitimation by rescript only in certain cases.

¹ The new Esthonian Civil Code contains similar provisions. Under paragraph 8, Section 3, of Law No. 132 of May 7th, 1937, on legitimate children, the facilities hitherto provided by Danish law for the legitimation of illegitimate children, either by formal acknowledgment or by Royal authorisation, cease to be available for children born after the coming into force of the said law on January 1st, 1938, it being observed that the recognition of paternity is not the same thing as legitimation.

In the Union of South Africa, for instance, it is applied only in the case of a regular union which is invalidated by some formal defect.

In the Netherlands, letters of legitimation granted by the Queen are issued only in cases where the parents have failed to acknowledge their children before, or at the time of, their marriage, or if legally acknowledged children have not been able to be legitimated by marriage owing to the death of the father or mother.

(ii) *Form.*—This method of legitimation generally takes the form of an act by the Head of the State, in particular a Royal rescript (for instance, in Denmark, Hungary—at present a rescript of the Regent—Italy and the Netherlands); a rescript of the President of the Confederation, in Austria; a decree of the Ministry of Justice, in Greece; an Act of Parliament, in the Union of South Africa; a decision of the Senate, at Danzig; a decision of a court, in Bulgaria.

(iii) *Application.*—The application for the grant of the rescript must be regularly made by one or by both of the parents. The child may, however, make the application if his deceased father expressed a desire in his will to legitimate him (for instance, Austria, Germany, Italy and Spain).

(iv) *Effects.*—The effects of this method of legitimation appear to be always restricted. It only confers on the child the status of a legitimate child as against the person legitimating him and not as against his family (for instance, Austria, Danzig, Germany, Hungary, the district of the former Congress Kingdom of Poland).

Under Spanish law, children legitimated by rescript are actually placed on the same footing as acknowledged natural children. They have the same rights as natural children, although the conditions required for legitimation are more onerous than those required for acknowledgment.

(c) *Legitimation by Judgment.*

This method of legitimation refers particularly to the case of an officially confirmed betrothal where the marriage could not be celebrated on account of the death of one of the parties or the loss of the requisite capacity to contract marriage.

The child is legitimated by a judgment of the court.

This method of legitimation is adopted in the Scandinavian countries, in Siam, in Switzerland and in Venezuela.

C. Legitimation by the Subsequent Marriage of the Father and Mother.

The illegitimate status of a child is due to the fact that his father and mother are not married; the first step to be taken is therefore to suppress the cause by the marriage of the father and mother. Full rehabilitation of the legitimate status of the child appears as a premium offered in favour of marriage.

(i) *Conditions.*—This method of legitimation is based on the regular marriage of the father and mother—that is to say, marriage celebrated according to the forms required by law.

Canon law only recognises legitimation as the effect of a marriage celebrated in church.

On the other hand, in some States of the United States of America, common law marriage is sufficient for the children to be declared legitimate.

(ii) *Form.*—As a rule, the legitimation of the child does not appear to result automatically from the marriage of the father and mother, and a preliminary finding of parentage seems to be necessary—*i.e.*, by the acknowledgment of the child—which may take place before the marriage or in the act of marriage itself.¹ (This system is in force, for instance, in the Codes of Belgium, Luxemburg, Monaco, the Netherlands, Spain and Venezuela.)

It has already been pointed out that the Netherlands' legislation provides for a rescript to remedy the consequences of the omission to acknowledge the child.

The laws of a number of countries offer a possibility of legitimation after the marriage :

(a) Some require that acknowledgment should take place within a maximum period after the celebration of marriage (for instance, in the Argentine and Chile).

¹ It should be noted that in Denmark legitimation authorisations cannot be issued in the case of children born on January 1st, 1938, or later.

(b) Others admit acknowledgment *post nuptias* without fixing the delay (for instance, Australia, Austria, Germany, Italy, Monaco, Portugal, the former Kingdom of Roumania, and Spain).

This form of legitimation is also authorised in France, but it only entails legitimation under a judgment given in open court.

(c) In Western Australia, if the husband has died without having the acknowledgment registered, the mother may apply for the child to be registered as legitimated if she can prove that her deceased husband was the father of the child or had acknowledged paternity during his lifetime.

(d) The subsequent marriage of parents renders the child legitimate from the date of the marriage,¹ provided the father and the mother could have been lawfully married to one another at the time of birth of their child, or at some time during the period of ten months preceding such birth (Ireland).

(iii) *Time*.—Legitimation may take place before the birth of the child under legislations which recognise as legitimate only children conceived during marriage (in particular, Italy, the Netherlands, Portugal and Spain).

Normally legitimation takes place during the life of the child. Many countries admit the legitimation of the deceased child at the time of marriage, provided, however, that the child has left issue.

(iv) *Objects*.—The various categories of illegitimate children are not all admitted to legitimation by the subsequent marriage of the father and mother. For instance, the laws of the Union of South Africa, the Argentine, certain States of Australia, Belgium, Bulgaria, Estonia, Hungary, Italy, the Netherlands, Salvador, Spain and Venezuela (only children born of incestuous intercourse) exclude all children born of adulterous or incestuous intercourse from the benefit of legitimation by subsequent marriage. But in almost all these countries the notion of incest

¹ Where parents of an illegitimate person were married previous to the introduction of the Legitimacy Act of 1931, their marriage rendered that person legitimate from the commencement of the Act.

has become more restricted, so that the only children who cannot be legitimated are those born of brother and sister or of direct ascendant and descendant. Many countries admit marriage by dispensation between uncle and niece, aunt and nephew.

The legitimation of children born of adulterous intercourse is admitted in certain cases—for instance, under the legislation of Austria, France, Germany, Monaco, Portugal, the territory of the old Kingdom of Roumania, Switzerland and Venezuela. Other legislations are in this case hostile to legitimation by subsequent marriage in order not to condone adultery. The law of the United Kingdom, moreover, mentions only children born of adulterous intercourse as being precluded from legitimation.

(v) *Consent*.—The laws of many countries do not appear to admit the consent of the legitimated child. The consent of a legitimated person of full age is, however, required by Argentine, Portuguese, Siamese and Spanish legislation. Chilian law even requires the consent of every legitimated child.¹

In Venezuela, the consent of the legitimated child is required if such child is over 14 years of age.

(vi) *Contestation*.—Since the first requisite condition for legitimating a child is the regular marriage of the father and mother, what attitude is adopted by the laws of the various countries in case of irregular marriage?

(a) Legitimation is refused in case of irregular marriage—for instance, under Chilian law.

(b) If the two spouses acted in good faith at the time of marriage, the children are regarded as legitimated—for instance, under Bolivian law.

(c) The good faith of one of the spouses is sufficient according to Austrian, French, German, Italian, Portuguese, Spanish and Venezuelan law.

(d) Lastly, legitimation is admitted even if the spouses had concluded the marriage in bad faith, under Polish and Swiss law.

¹ According to the new Estonian Civil Code, the consent of the legitimated person, if of full age, or of his guardian, is required.

In the laws of almost all countries, the parties concerned appear to have the right to take action for annulment in case one of the requisite conditions is not fulfilled. Only a few legislations—for instance, that of Switzerland—admit that legitimation may be contested officially.

(vii) *Formal Effect.*—Most legislations do not appear to provide for legitimation to be made retroactive as from the birth of the child, in order to protect rights previously acquired by members of the family of legitimate birth. This intention inspires the laws of some States in Australia, under which the child is considered to be legitimated as from his birth, but may only receive the whole or part of the real or personal property remaining undistributed at the date of the registration of such legitimation. Complete retroactivity of legitimation is, however, provided for by some legislations, including that of Canada.

The time at which a legitimated child acquires his rights varies according to the date of acknowledgment as compared with that of marriage. It would seem that the effects of legitimation may begin at the time of marriage (for instance, under the legislations of Austria, Belgium, Chile, Denmark, France, Germany, Ireland, the Netherlands, Portugal, Spain and Switzerland). In other cases, they appear to begin at the time of acknowledgment subsequent to the marriage (for instance, under the laws of Italy, Salvador and Venezuela).

(viii) *Legal Effects.*—The laws of all countries appear to agree in granting to a child legitimated by the subsequent marriage of his father and mother the same rights as to a legitimate child.

D. *Social Effects.*

The economic effects of legitimation appear to depend to a great extent on its legal effects. The social effects properly so called apparently differ considerably according to the form and circumstances of legitimation. It seems to be difficult, especially in the case of legitimation outside marriage, to provide the child with the status of legitimacy in society corresponding to the legal status which he acquires; but there would appear to be no doubt that the marriage of the father and mother may efface all trace of the illegitimate birth of the child in social life.

4. INHERITANCE RIGHTS IN RESPECT OF THE MOTHER'S FAMILY AND THE FATHER'S FAMILY

Inheritance rights are based, under the laws of different countries, on varying conceptions. In some cases, this matter is regarded as an extension of the personal rights deriving primarily from consanguinity. The family—that is to say, the line of direct descendants—is the principal beneficiary of the estate. Succession by operation of law has priority over testamentary succession. The inheritance rights of illegitimate children come after those of legitimate kindred and are often reduced or disallowed altogether.

On the other hand, the principles underlying other laws regard inheritance rights as a consequence of the free disposition of property. In such cases, the right to bestow by will comes first. Succession by operation of law is, as it were, the expression of the presumptive will of the deceased owner. In many cases, preference appears to be given to illegitimate children between whom and the deceased there is no family relationship rather than to the more distant relatives of the deceased.

As regards the extent and assignment of inheritance rights, the laws of the various countries differ widely.

For the purposes of the present study, inheritance rights may be divided into :

- A. Succession *ab intestato* ;
- B. Testamentary succession ;
- C. Maintenance obligations charged to the estate.

A. Succession by Operation of Law.

In many cases, the position of the illegitimate child differs according to the category to which he belongs.

For instance, children born of adulterous or incestuous intercourse are frequently excluded from inheritance (as in the Argentine, Belgium, Ecuador, France, Italy, Monaco, the Netherlands, Spain and Venezuela).

In many countries, acknowledgment plays an important part : the illegitimate child may inherit from his father or mother only

if he or she has acknowledged him (as in Belgium, Brazil, Ecuador, France, Italy, Monaco, the Netherlands, Poland, Salvador, Spain, Switzerland (with regard to the father), certain States of the United States of America, and Venezuela¹). Acknowledgment by the father is necessary to enable the child to inherit from him (as in Finland, Greece and Norway²). In Japan, an unacknowledged child succeeds to the head of the household—*i.e.*, of the family—but only after the legitimate or acknowledged children.

In Venezuela, if the deceased was a man and left no legitimate posterity, he is succeeded by his legitimate or illegitimate ascendants, his illegitimate children or their legitimate descendants and his wife, and his estate is divided into three parts, one to go to the ascendants, another to the wife and the third to the illegitimate children or their descendants. Should there be no wife, half of his estate goes to his ascendants and the remainder to his illegitimate children or their legitimate descendants. Should there be no ascendants, half of his estate goes to his wife and the remainder to his illegitimate children or their legitimate descendants. Should there be neither ascendants nor wife, the estate goes to his illegitimate children or their legitimate descendants, but they are on the same footing as any surviving legitimate brothers of the deceased and any legitimate children of brothers who have predeceased him. Illegitimate children of a daughter or legitimate female descendant enjoy equal rights with the legitimate descendants of illegitimate children.

Legitimated children are not always granted the same inheritance rights as legitimate children. This appears to be the case in Spain, and, in relation to the father, in Greece. Owing to the

¹ Venezuelan law accords rights of succession to illegitimate children and their descendants whose filiation is proved either by express acknowledgment or by a judicial declaration specifying the father or mother of the illegitimate child, or whose maternal filiation is proved by the register of births or by the possession of an official document establishing the status of the person concerned.

² The rules regarding the right of such children to inherit from their father or paternal relatives were laid down simultaneously with the Law of April 10th, 1915, which on the whole establishes the principle that children born out of wedlock have the same legal position as children born in wedlock. This right to inherit from the father or paternal relatives applies to children born after January 1st, 1917. As regards children born before that date, the previous legislation applies, under which the child has no right to inherit from the father unless he has legally acknowledged the child to be his.

fact that legitimation has not usually a retroactive character, legitimated children do not appear to enjoy the same inheritance rights as legitimate children in every case, particularly in the matter of succession by primogeniture, where they do not rank with the legitimate children according to their actual age, but are regarded as born only at the moment of their legitimation.

The legitimacy of a child may also be of importance from the point of view of his mother's right to inherit when widowed. Some countries appear to exclude the widow from inheritance if she has an illegitimate child (as in Hungary).

As regards the question of rights of succession by operation of laws, a distinction may be made between four groups of persons : father and mother, descendants, ascendants and collaterals. This classification does not of course correspond to the assignment of succession rights in general, which necessarily starts from the deceased, whereas the present study takes as its starting-point the illegitimate child. The position of the illegitimate child under the laws of the different countries largely depends on their conception of the legal relationships created by the illegitimate birth.

(a) *Father and Mother.*

The laws of every country appear to provide that, in the matter of inheritance, the children—in some cases together with the spouse—take precedence. To what extent therefore do illegitimate children inherit from their father and mother as compared with legitimate children?

(i) Under the laws of some countries, the illegitimate child is completely excluded from the succession—for example, under the laws of Australia (with the exception of South Australia), the United Kingdom, certain Canadian provinces and Ireland.

(ii) In certain countries, the illegitimate child, even if acknowledged, does not inherit from his father. This appears to be the case in South Australia, Austria, the United Kingdom, Germany and Roumania.

In many countries, the inheritance rights of the illegitimate child vary according to the category of persons with whom he shares the succession.

(iii) If the mother of an illegitimate child dies intestate and leaves no legitimate children, the illegitimate child succeeds to her estate. In other cases of intestacy, an illegitimate child does not succeed (United Kingdom).

(iv) In certain countries, the illegitimate child cannot inherit the whole of the property in the same way as a legitimate child, unless there are no other persons entitled to inherit. If there are, the illegitimate child may receive a share varying according to the country and the category of the persons with whom he shares the succession (for instance, in Chile, one-fifth, with the ascendants; in Poland, three-eighths, with the ascendants and the spouse; in the Netherlands, three-quarters, with distant relatives; in Venezuela, one-third, with the ascendants, the spouse and the collaterals; in Poland, half, with the ascendants and the collaterals; in Italy, two-thirds, with the ascendants and the spouse).

In most cases, the succession is divided into two parts; one part goes to the illegitimate children, while the other is divided among their co-heirs (for instance, in the Argentine, the ascendants and the spouse; in Belgium, the ascendants and collaterals; in Chile, the collaterals; in Spain, the ascendants, but only in respect of that portion of the estate which the testator may dispose of at his discretion; in the Netherlands, the ascendants and collaterals; in Peru, the ascendants; and in Poland, the spouse).

(v) Under the laws of certain countries, where there are legitimate children, the illegitimate child may not claim any right to the succession (in Chile, Salvador and, as regards the father's succession, Venezuela).

(vi) Under the laws of other countries, the illegitimate child inherits along with the legitimate children, but only receives a certain proportion of their share (for instance, one-fifth in Peru; one-fourth in the Argentine; one-third in Belgium, Luxemburg, the Netherlands and Poland; half in Brazil, Bulgaria, France, Italy, Japan, Monaco, Spain and Switzerland).

In the Argentine and the Netherlands, the spouse has the same claim to the succession as a legitimate child. The spouse has also to share therefore with the illegitimate child.

In Switzerland, if the deceased leaves descendants, the surviving spouse may claim at will the usufruct of half or the ownership of one-quarter of the estate; if the surviving spouse opts for the ownership of one-quarter of the estate, an illegitimate child coexisting with a legitimate child receives only half of the share accruing to the latter—that is to say, one-quarter.

Amongst the Hindus of India, there is no right of inheritance on the part of the illegitimates of higher castes, except the claim of maintenance; but those of Sudras can inherit and, as such, take the half share of property along with the legitimates.¹

(vii) In certain countries, illegitimate children inherit in the same way as legitimate children if the deceased has left no legitimate child (in Brazil and Japan).

(viii) In certain countries and especially in those which regard every child as legitimate in relation to its mother, this also appears to apply to inheritance (for instance, in South Australia, Austria, Finland, Germany, Roumania, Hungary, even in the case of children born of adulterous or incestuous intercourse, Sweden, Switzerland, certain States of the United States of America, and Venezuela).

(ix) The children of parents engaged to be married inherit from their father and mother in the same way as if they were legitimate. This appears to be of considerable practical importance, since the father's death is usually the cause of their illegitimacy. This is the law in Finland and Sweden.

(x) Acknowledged illegitimate children inherit from their father and mother in the same way as if they were legitimate (for instance, in Denmark, if paternity has been definitely established, in Finland, in Norway and all countries which make no distinction between legitimate and illegitimate children).

As regards the succession of a deceased illegitimate child, it would appear that, under the laws of most countries, this devolves

¹ *Hindu Law*, West and Majid, page 77, § 1.B(3), also page 69, § 1.A.

upon the father and mother, as the counterpart of the inheritance rights the child would have had from them. French law appears to provide expressly that, where the child has been acknowledged by his father and mother, his succession is to be divided between them.

In Sweden, the father may, by making a special declaration in a certain form, stipulate that the child shall inherit from him as legitimate children.

If a child is entitled to inherit from its father as stated above, the father is likewise entitled to inherit from the child. There is no right of inheritance as between an illegitimate child and its relatives on the father's side.

(b) *Descendants.*

In order to ascertain whether the descendants of an illegitimate child who has predeceased them may inherit in his place, it must first be considered whether the descendants are legitimate or illegitimate. It would appear that in all cases in which the illegitimate child is entitled to inherit, this right passes to his legitimate descendants. In reality, this is not a question of inheriting from an illegitimate ascendant but of the succession of a legitimate child to property which would have been inherited by his father or mother.

This question is left unsettled by the laws of many countries, which simply refer to "issue". Practice appears to vary considerably.

(c) *Ascendants.*

On the other hand, in the case of ascendants, the question of legitimacy assumes a different aspect. Inheritance from ascendants is based on legal relationship and, under the laws of many countries, no such relationship is deemed to exist between the illegitimate child and the father's and mother's families (*e.g.*, in the Argentine, Belgium and France).

Nevertheless, certain countries which recognise every child as the legitimate child of his mother grant him the right to inherit from his mother's family. This appears to be the case in Austria (as regards that part of the estate the inheritance of which is unrestricted), Germany, Finland, certain States of the United States

of America, Roumania and Venezuela. The right to inherit from their father's family as well as from their mother's appears to be granted to acknowledged children in Portugal.

The legitimate ascendants affect the illegitimate child's inheritance rights, not only in the matter of the succession to their property when deceased, but also as heirs jointly entitled to the succession of the child's father or mother, as shown above.

Under laws which provide that the illegitimate child inherits from his maternal ascendants, reciprocity usually appears to exist (Roumania).

If legitimate ascendants are not deemed to be bound to an illegitimate child by legal relationship and therefore cannot inherit, this must apply *a fortiori* to illegitimate ascendants. In fact, no laws relating to inheritances appear to take any account of illegitimate ascendants.

(d) *Collaterals.*

A distinction can also be made between legitimate and illegitimate collaterals—that is to say, according to whether the brother or sister is or is not a legitimate child.

The illegitimate child rarely appears to inherit (as in Chile) from his brother and sister when these are legitimate, because in such cases also legal relationship is lacking. Similarly, they appear to be excluded from his succession, although, under the French, Netherlands and Spanish laws, they have a reversionary right to inherit if he dies without issue and his father and mother have predeceased him.

As stated above, legitimate collaterals also play an important part in the determination of the illegitimate child's rights of succession by operation of law.

Illegitimate brothers and sisters are sometimes entitled to inherit (for instance, under the Chilian, French and Spanish Codes).

In Venezuela, in certain cases, illegitimate brothers on the mother's side enjoy equal rights with legitimate brothers; irrespective of whether the deceased was a legitimate or illegitimate child.

Illegitimate brothers and sisters may be the children of the same parents as the deceased or have only one parent in common

with him—the mother or father, as the case may be. The former inherit through “both lines”—that is to say, each of them receives twice as much as a half brother or sister.

B. *Testamentary Succession.*

Where the deceased has left a will, the question of illegitimacy appears to arise in connection with the reserved portion of the estate—*i.e.*, the portion that passes to the direct heirs—the capacity to inherit under a will and the interpretation of the term “child” in the text of the will.

(a) *Reserved Portion of the Estate.*

The reserved portion of the estate is that portion which must pass to certain near relatives of the deceased and may only be withheld from them under very special conditions. It would appear that, whenever such a reserved portion is provided for by law, illegitimate children may also benefit thereby, at all events to the extent of their right to inherit *ab intestato*.

(b) *Incapacity.*

Several countries (such as Belgium, Italy and Spain¹) stipulate that an acknowledged child may not receive by will or *donatio inter vivos* more than he is entitled to according to the established rules of succession. On the other hand, an illegitimate child incapable of inheriting *ab intestato* may be made a legatee.

¹ Under Spanish law, illegitimate children are in no case incapable of inheriting; even children born of adultery, incest or sacrilege who, under the law in force prior to the Civil Code, were incapable of inheriting, now possess capacity in the opinion of most authors.

As applies to children in general, only the amount which illegitimate children may inherit is limited, in accordance with the system whereby a certain portion of the estate is reserved for the direct heirs. But apart from this restriction, the testator may leave his property to an illegitimate child as either heir or legatee.

As regards donations *inter vivos*, the same principle applies, based on the system whereby a portion of the estate is reserved, and the general conditions are the same. Article 636, which lays down the principle, provides that: “No person may give or receive by donation more than he may give or receive by will”.

C. Maintenance Obligations charged to the Estate.

Where illegitimate children merely have the right to maintenance from their father or mother, this often constitutes a charge on the succession.

This appears to be the case in the Argentine, in certain Canadian provinces—where, however, the rights of the widow and legitimate children of the deceased are safeguarded—in the United Kingdom and in Uruguay.

It also appears to apply to unacknowledged children born of adulterous or incestuous intercourse, particularly in Belgium, Ecuador, France, Italy, Monaco, the Netherlands and Spain.

The obligation to aliment is a claim for debt, and transmits against the parents' representatives. An illegitimate child may accordingly lodge a claim for future aliment on an executor, but a parent's executors are not required to suspend distribution of the estate until a claim indefinite in duration is satisfied. Both father and mother are liable to aliment the child, so that the estate of either may be claimed against (United Kingdom).

In Venezuela, in cases where acknowledgment is prohibited, a child born of adulterous or incestuous intercourse has a right to claim maintenance in the following cases: (1) when the identity of his father or mother is indirectly established by a judgment given in civil or criminal proceedings; (2) when the identity of his father or mother is established by an annulment of marriage; (3) when the identity of his father or mother is established by an express written declaration by the parents.

It likewise applies in Greece, although in that country the heirs may discharge the maintenance obligation by the payment of one-third of the share in the succession of a legitimate child.

Certain laws provide that the sum due to the illegitimate child in respect of maintenance must not exceed the amount he would legally inherit as a legitimate child.

The maintenance that may be claimed by children whose illegitimate filiation cannot legally be proved must not affect the portion secured by law to the heirs, and it must not be paid if the heirs are in equally necessitous circumstances and the estate is insufficient to bear the charge (Venezuela).

5. GUARDIANSHIP RIGHTS AND OBLIGATIONS OF THE MOTHER,
FATHER AND BOTH PARENTS JOINTLY

The guardianship rights and obligations of parents in respect of legitimate children correspond to the care which they are supposed to receive in the family home. When the legitimate family is dissolved, either by the death of one of the parents or by some form of separation, the laws of the different countries safeguard the child's right to proper care. The parental power is frequently limited or transformed into legal guardianship or its substance is divided between the two parents. How then, on this basis, can the position of the illegitimate child be regulated when a family home cannot be assumed by the law, even though such a home may in fact exist?

Furthermore, guardianship rights and obligations vary considerably from country to country. To give an accurate picture, therefore, of the position of illegitimate children, it would be necessary to compare it with that of legitimate children under the laws of each of the countries concerned. But this again raises the question whether the basis of comparison should be the position of the legitimate child in the family home—and it would certainly be desirable that the position of the illegitimate child should approximate to this—or that of the child whose parents' marriage has been dissolved which, in practice, corresponds more closely to that of the illegitimate child. In this particular, the law may vary, even in the same country, according as to the manner of such dissolution and may also be influenced by peculiar considerations of a material and moral kind. In short, it would appear that the present study should be confined to a fairly general account of the main provisions of the laws of certain countries in the matter of guardianship obligations in respect of illegitimate children.

A. *The Various Guardianship Rights and Obligations.*

(a) *Maintenance.*

Maintenance is the primary natural duty of all human beings towards their children. Not only is it independent of the legal recognition of relationship but it also exists, in general, even in the absence of such recognition.

When provided in kind, it is normally one feature of the parental power, or legal guardianship with custody, vested in the parents and carries with it the rights which that implies, such as religious teaching and the choice of religion, education and correction.

(b) *Custody.*

As the mother is frequently given the custody of the child, in this respect there is, in general, no great difference between the position of illegitimate and legitimate children. The mother, indeed, will be better able to care for the child than any other person, even than someone better qualified by objective standards.

Hence the rule in certain countries that the mother shall be given custody of the child during the period when this is most necessary, even when, in virtue of the paternal power, custody should normally belong to the father (*e.g.*, in Venezuela, up to the age of 3; in Uruguay, up to 5; and, in Chile and Colombia, up to 5 in the case of boys; in Estonia, until the child no longer requires the mother's care).

It may be granted to the father in default of the mother (Salvador) or when the mother is not a fit and proper person (Austria). The laws of certain countries refuse the father custody in all circumstances (Union of South Africa).

(c) *Residence.*

Custody comprises residence. The rules governing the minor's domicile have already been dealt with.

(d) *Services.*

The laws in question provide, either explicitly or implicitly, that the child must freely render certain small services to his father and mother.

(e) *Respect.*

The laws of many countries provide that the child owes respect to his father and mother, and this would also appear to apply to illegitimate children, at least when a legal relationship exists.

(f) *Access to the Child.*

The right to visit the child is expressly granted to both the father and mother (Greece and Sweden), irrespective of the legal relationship existing between them, and no matter which of them has been granted the custody of the child.

According to Finnish law, a mother who has not the guardianship of her child cannot be refused access to the child unless it is in the latter's interest that she should be. The same rule applies in the case of the father of an acknowledged child.

(g) *Appointment of a Guardian.*

The right to appoint a guardian is frequently granted to the father and mother, though not to any third person.

(h) *Representation.*

The right and the duty to represent the minor before the authorities and consent to his legal acts are vested in the person exercising the parental power or guardianship.

The rights in respect of consent to contracts, emancipation and marriage are restricted by the laws of certain countries when guardianship is exercised by a third person. In France, for example, the father or mother may emancipate children at the age of 15, whereas an appointed guardian cannot emancipate them before 18. In Portugal, the guardian's consent to marriage is not required, as in many other countries.

In Spain, the consent of the guardian to the child's marriage is not required; but in the absence of parents or ascendants, this right is vested in the family council, which is the main organ of guardianship under Spanish law. This rule likewise applies to legitimate children.

In certain countries, on the other hand, the right of consent is vested in the ascendants (Venezuela).

Generally speaking, these rights and duties are inherent in the parental power or guardianship.

In certain countries (Netherlands, for instance), the right of consent to the marriage of a child of full age would appear to be confined to the father and mother.

The father and mother would generally appear to be denied any rights or duties in respect of the property of illegitimate children.

(i) *Administration of Property.*

In certain countries where the administration of the property of legitimate children is included in the parental power, it is granted to the father and mother of an illegitimate child subject

to various safeguards (in France, where the administration of property is supervised by a surrogate guardian; in Cuba, Spain and Italy, where security must be provided or the child is recognised as having a preferred claim on the property of the parents). Certain countries would only appear to grant the right of administration in regard to property acquired after the acknowledgment of the child (Brazil).

In other countries, the father and mother are granted the administration of the property of illegitimate children on the analogy of the parental power in regard to legitimate children (certain countries of Latin America and Portugal).

(j) *Legal Usufruct of Property.*

In many countries, the father and mother of a legitimate child are legally entitled to the usufruct of the property they administer. This right would appear to be frequently withheld from fathers and mothers of illegitimate children (Austria, Bolivia, Germany, Portugal and Spain). It is, however, granted in certain countries in which the child is entitled to inherit from a parent acknowledging him (France, Venezuela).

*B. Guardianship Rights and Obligations considered
as a Whole.*

The various guardianship rights and obligations may be divided into three groups, each of which possesses certain characteristics which are generally reflected in the attribution of the rights and duties concerned.

The first group is that most directly deriving from the natural relationship between the child and its parents. It consists of the more personal rights and obligations which devolve normally upon the parents, as it is only in regard to them that they would appear to be justified. They include the duty of maintenance, the right to respect, the right of consent in regard to the marriage of a child of full age, the right of access and appointment of a guardian.

To these rights and obligations must be added those which, though still of a highly personal character, do not necessarily attach exclusively to parenthood. This second group is closely

bound up with the child's everyday life. It would appear to be in the interest of the child that the rights and obligations in question should be recognised as belonging to the father, and particularly to the mother, as it is thus, in principle, that they will be best safeguarded. If such is not the case, however, either in the view of the law or in certain specific cases, the child's interest—which is the decisive consideration—demands that they should be made over to someone else. This group concerns more particularly custody, residence, services and education, with everything which it implies.

The third group relates to the child's legal interests, particularly in regard to property. Those interests will be best safeguarded by the person best qualified by objective standards, and if the father and mother have not given the child the legal status of legitimacy, they are not generally regarded as fit to assume this responsibility, at least without certain guarantees.

As regards legitimate children, the whole of the guardianship rights and obligations belong, under all systems of law, to the father and mother, generally in the form of the parental or paternal power. Though the latter term has been retained in many systems of law, it is almost always vested both in the father and the mother. In Austria and Hungary, however, it would appear to belong exclusively to the father. In most countries, it is exercised in the first place by the father, though in regard more particularly to the second category of rights and obligations the mother shares to a varying extent in its exercise. In default of either the father or mother, the parental power may be exercised by the other parent, or replaced by legal guardianship. In certain systems the parental power is unknown, its place being taken by an extended form of guardianship on the part of both the father and mother (*e.g.*, the United Kingdom, Canada and the United States of America, the Scandinavian countries and the Union of Soviet Socialist Republics).

As regards illegitimate children, the provisions of the laws of the different countries vary considerably. They would appear to derive, in the first place, from the general attribution of guardianship rights and obligations in respect of legitimate children and, in the second place, from the legal relationship between the illegitimate child and his father and mother.

The attribution of rights and obligations in respect of illegitimate children in the different countries may be broadly summarised as follows :

(i) The father and mother possess no parental power or general guardianship in regard to an illegitimate child, but only certain of the first group of rights and duties. The illegitimate child is automatically placed under official guardianship (Austria, Germany, the State of Minnesota in the United States of America, and Switzerland).

(ii) An illegitimate child is always placed under guardianship, though the father and mother may be appointed guardians, provided the parents acknowledge the child of their own accord; if the child is acknowledged by both parents, preference is given to the mother.

(iii) An illegitimate child may be placed under the parental power in so far as its person is concerned, though the administration of the property is always placed under guardianship; this is frequently entrusted to the father and mother (Cuba, France, Italy and Spain).

In Sweden, the custody of the child is entrusted to a specified person—generally the mother, but sometimes the father. If the mother has custody of the child, she is also its guardian; and if the father has custody, he is the guardian. Supervision is exercised over the guardian's performance of his duties by special officials known as supervisory guardians.

(iv) The mother is, as of right, guardian of her illegitimate child (Finland, Siam).

(v) The parental power may be entrusted to the mother, but the administration of the property is placed in the hands of guardians (Danzig, Germany).

(vi) In certain countries in which, in default of either parent, the parental power vested in both parents jointly may be replaced by the legal guardianship of the other parent in regard to a legitimate child, it would appear that the same applies *mutatis mutandis* in respect of an illegitimate child (e.g., as regards the mother, in Hungary, India and certain parts of Roumania).

(vii) In Italy, the legal guardianship may be assigned either to the father or to the mother; in the event of simultaneous acknowledgment by both, it goes to the father.

(viii) In some countries, certain rights and obligations, particularly those of the third group, may devolve upon the father in virtue of the parental power, though the mother is given custody of the child, at least up to a certain age (Chile, Estonia, Uruguay and Venezuela).

(ix) The mother appears to be capable of being invested with parental power (*e.g.*, in Finland and in certain parts of Poland—where, however, the father may be granted the right of supervision if he provides maintenance—and in Salvador). In Venezuela, the mother of an illegitimate child exercises parental power with all the rights and duties pertaining thereto in respect of any child who is a minor whose illegitimate filiation has been legally proved.

(x) The parental power belongs to the parent first acknowledging the child; in the event of simultaneous acknowledgment, preference is given to the father (France, Monaco and the Netherlands).

(xi) The father, or the mother in cases where parental power is vested in the mother, holds the usufruct of the property of any child under his or her parental power (Venezuela).

(xii) The parental power belongs to the father, subject to acknowledgment of the child, otherwise to the mother, also subject to acknowledgment (Argentine, Brazil, Cuba, the Dominican Republic, Japan, Portugal—provided acknowledgment is voluntary—and Spain).

(xiii) The father of an illegitimate child will, as of right, be the guardian of the child if its filiation has been legally proved and it is not under the parental power of the mother (Venezuela).

(xiv) If the child is acknowledged by both father and mother, the parental power is vested in them jointly (Belgium and Luxemburg).

(xv) When, in any system of law, the place of the parental power is normally taken by legal guardianship, this would

frequently seem to be entrusted to the mother in the case of illegitimate children (the Union of South Africa, the United Kingdom, Canada—with the exception of Quebec—and Finland).

In individual cases, the interests of the child seem to be the primary consideration under the laws of Danzig and Germany (where it must be shown that the mother is worthy of the parental power), France (where, in the interests of the child, the courts may assign the parental power to whichever of the parents is not normally invested with it by law) and Switzerland (where the matter is in the discretion of the guardianship authority).

6. OFFICIAL GUARDIANSHIP

Various forms of guardianship may be adopted when a minor is subject neither to parental power nor to the legal guardianship of his father or mother. For the purposes of the present study, a distinction may be made between the following forms of guardianship :

- A. Guardianship by ascendants;
- B. Testamentary guardianship;
- C. Guardianship by appointment of the family council or a guardianship authority;
- D. Official guardianship.

These forms of guardianship are not always clearly defined. For instance, the guardianship authority may appoint the person designated under the will or the legal guardian or decide in favour of guardianship by ascendants (as in Switzerland) or delegate officials as members of the family council, especially in the case of illegitimate children.

A. *Guardianship by Ascendants.*

This form of guardianship, which exists in a large number of countries, is not often resorted to in the case of illegitimate children, owing to the absence of any legal relationship between them and the ascendants. It is, however, resorted to in Brazil and, in respect of the maternal ascendants, in Hungary.

B. *Testamentary Guardianship.*

In many countries, the establishment of a testamentary guardianship lies within the discretion of the surviving father or mother, who may appoint by will or a notarial instrument a guardian for his or her child. Should the child have been acknowledged by only one parent, who thus alone has the right to appoint a guardian, the latter must relinquish the guardianship to the other parent should he (or she) subsequently acknowledge the child and be legally entitled to exercise parental power.

C. *Guardianship by Appointment of the Family Council or Guardianship Authority.*

In countries where this form of guardianship exists for legitimate children, the family council may in some cases be replaced by a guardianship council consisting of magistrates, relatives or neighbours (for instance, in Italy—where this council consists of the local magistrate, two communal councillors and two neighbours—in Portugal and in Spain). In other countries, these functions may be discharged by an authority such as—*e.g.*, in France and Monaco—the court of first instance.

D. *Official Guardianship.*

In many countries, official guardianship exists in various forms—including the care of the poor law authority—and is of great importance either in law or in practice in the case of illegitimate children.

(i) In certain countries, all illegitimate children are subject to official guardianship by reason of their civil status. This is the case in Austria, Finland, Germany, Sweden, Switzerland and the State of Minnesota in the United States of America.

(ii) In a few countries, all unacknowledged illegitimate children are placed under official guardianship (for instance, in Belgium, Japan, Monaco, Portugal and Spain).

(iii) In many countries, the official guardianship of foundlings or deserted children comprises, in practice, a high

percentage of illegitimate children (Australia, Belgium, United Kingdom, Canada, Hungary, Japan, Monaco, Portugal, Spain and Venezuela).

(iv) No invidious distinctions are drawn between legitimate and illegitimate children, the same forms of guardianship being applied to both (in the Union of South Africa, Latvia and Norway). This is of course also the case in all countries which do not discriminate between legitimate and illegitimate children.

(v) Should the mother die or be unfit to be guardian, the child is placed under official guardianship (Finland).

(a) *Organisation.*

Official guardianship may be collective or individual. When the official guardian takes charge of more than one child, this is known as collective guardianship; when he is responsible for only one child, this is termed individual guardianship. In theory as in practice, the preference as between these two forms of guardianship differs from country to country, according to whether greater weight is attached to the advantages of an experienced and organised guardianship or to those of individual attention. These forms of guardianship vary considerably.

(i) Collective guardianship exists in South Africa, Australia, the United Kingdom, Canada, Finland, Italy (in certain cases), Japan, Portugal, Spain and Switzerland.

(ii) A system of collective guardianship also exists in Germany, although the present trend appears to be in favour of individual guardianship.

(iii) In Sweden, on the other hand, there seems to be a tendency in practice for this to become to some extent collective, inasmuch as a comparatively small number of persons are appointed trustees. It should, however, be noticed that a separate trustee has to be appointed for every child. There is no collective appointment of one trustee for a whole group of children, or for children born in a certain area.

(iv) Individual guardianship appears to exist in Italy (in certain cases), the Netherlands, Siam and Venezuela.

Official guardianship is usually exercised in a professional capacity when it is collective and voluntarily when it is individual, with the exception of the voluntary general guardianship exercised in Austria by certain associations.

Official guardianship sometimes has a twofold character, especially in countries where it is compulsory for illegitimate children. In Germany, for instance, it is under the control of the Office for the Protection of Young People,¹ which undertakes collective guardianship of children up to the age of 14. The mother is in some cases (in Germany), or usually (in Finland and Sweden), appointed guardian under the supervision of an official guardian; in other cases, the guardianship authority may take the place of the mother or father in the exercise of official guardianship, even in virtue of parental power (in Switzerland).

(b) *Form.*

The official guardian may be a public authority, an organisation or an individual.

(i) The functions of guardianship may be performed by bodies of different kinds—by voluntary associations, both religious and other (as, for instance, in the case of general guardianship in Austria), by a public authority (as for instance, the Offices for the Protection of Young People² in Germany and Austria), or by a court (such as the higher courts in the Union of South Africa and the children's courts (*tutorias*) in Portugal).

(ii) Collective guardianship may be exercised by an individual, who may be a special official (as in Canada and Finland), the Public Guardian (Norway), the "Barnavardsman" of the Child Welfare Council (Sweden), or the Director or General Secretary of the institution in which the child is placed (in Australia, Italy, Japan and Spain).

(iii) Individual guardianship is usually exercised by an individual.

¹ *Jugendamt.*

² *Jugendämter.*

(c) *Competence.*

Where there is a collective guardianship organisation, the question of competence arises. It is usually either personal—that is to say, confined to certain categories of children; for instance, deserted children, orphans, children belonging to a certain religion—or territorial. In the latter case, it is often communal (in Finland, Germany and Sweden) or municipal (in Austria, in the towns; and in certain Swiss cantons).

It may be delimited by judicial areas (in Austria, in country districts) or by cantons or districts (certain Swiss cantons).

In Finnish law, there exists, for illegitimate children, besides the official guardian, an official curator, who *ex officio* takes charge of the interests of all the illegitimate children in his district. In particular, he is legally responsible for enforcing the illegitimate child's right to maintenance.

(d) *Duration.*

Compulsory official guardianship of the illegitimate child may begin even before birth (in Finland, Norway, Sweden and Switzerland) or at birth (in Austria and Germany) or at any other time.

Official guardianship appears to cease when the child attains majority, or other special age-limits may be stipulated (the age of 17 in certain States of Australia; the age of 18 in other States of Australia and in Sweden) as long as the child has the right to maintenance (Finland). That right may be prolonged for reasons of sickness, weakness or infirmity (Finland).

7. MAINTENANCE RIGHTS AND OBLIGATIONS OF THE MOTHER,
THE FATHER AND BOTH PARENTS JOINTLY

Maintenance rights and obligations may be of two kinds :

- A. Those based on the age of the minor;
- B. Those based on legal relationship.

A. *Maintenance based on the Age of the Minor.*

Maintenance of the minor constitutes a fundamental human duty towards a helpless being unable to take care of himself. Maintenance therefore includes, not only subsistence, but all that

is necessary to enable the child to obtain its own living when the period of maintenance is over. This duty is so imperative that it is generally completely independent of the actual needs of the child. The duty of providing for the child's material requirements falls essentially and primarily on the authors of its being, and is as a rule independent of the existence of legal relationship.¹ On the other hand, the duty of providing maintenance subsists in the case of fathers or mothers between whom and their offspring (for instance, children born of adulterous or incestuous intercourse) legal relationship cannot be established or who do not desire it to be established (opposition in actions to establish paternity). The provisions on the matter vary in different countries ;

(i) No maintenance is granted to illegitimate children (to children born of adulterous or incestuous intercourse, in Belgium, for instance, during the lifetime of the father or mother; in the Netherlands Indies and Portugal).

(ii) Maintenance cannot be granted to children acknowledged during the marriage of their father or mother with a third person unless the spouse or legitimate children do not suffer as a result (Belgium, France, Monaco and the Netherlands). This does not necessarily appear to be so in practice in the case of the father.

(iii) Apparently, in the majority of other countries, maintenance is granted to all illegitimate children.

(a) *Duration.*

Maintenance is due to the child either up to a given age (for instance, 3 years in one State of the United States of America; 7 in the case of boys and 13 in the case of girls in Albania; 14 in certain Canadian provinces; 13 in the United Kingdom, with power of the court to extend to 16; 16 in other Canadian provinces,

¹ Under Article 308 of the Venezuelan Civil Code, the father and mother are obliged to maintain, bring up and educate their legitimate and adoptive children and illegitimate children whose filiation has been legally proved.

The person who is obliged to provide maintenance may do so by giving a maintenance allowance or by receiving and maintaining in his own house any child entitled to maintenance.

The right to claim maintenance may not be renounced.

Danzig, France, Germany and Norway; 16 to 18 in Sweden; 17 in Finland; 18 in the Union of South Africa, the Argentine, Denmark and Switzerland—on behalf of the father—and in Greece in the case of boys; 20 years in Switzerland on behalf of the mother; 21 or until majority in certain States of the United States of America and the Netherlands, and Greece in the case of girls); or up to an age to be decided in each case by the court (*e.g.*, certain Canadian provinces, the majority of States in the United States of America and in Hungary—where the court generally fixes the age at 16); or until such time as the child is able to provide for himself (*e.g.*, Austria, certain Canadian provinces, France, Estonia, Latvia, Siam and, in the case of boys, parts of Poland and Roumania).

Maintenance obligations may cease earlier or, on the other hand, may be prolonged in special circumstances. As a rule, for instance, maintenance obligations cease on the child's marriage (this is so in Greece and, in the case of girls, the United Kingdom,¹ Denmark and parts of Poland and Roumania). In most countries, they are extended if the child is for any reason unable to provide for himself (Sweden).

It may be noted in this connection that, under Hinduism in India, while the illegitimate sons of the Sudra caste have been given the right of inheritance, it is still doubtful as to whether an illegitimate daughter has the same right. As it is, she is only entitled to maintenance and marriage expenses as a charge on the shares of both legitimate and illegitimate sons.²

(b) *Nature.*

Maintenance normally includes ordinary living expenses and the cost of religious and secular education and preparation for a trade or profession. It may also include, amongst other things, expenses connected with illness, baptism, confirmation or burial (Norway).

Maintenance may be given in kind or in cash—generally the latter in cases where no legal relationship exists—either in the form of an annuity or a single payment.

¹ As people cannot legally marry under the age of 16, maintenance must cease before marriage is lawful.

² *Hindu Law*, West and Majid, page 408.

As a rule, the obligation to provide for the child's maintenance exists irrespective of the child's actual needs. Ecuador, however, is an example of a country where payments for the child's maintenance are only made in cases of strict necessity.

As a rule also, maintenance obligations are in no way dependent on the amount of property possessed by the child. In cases, however, where the father or the mother has the legal enjoyment of such property, income derived from it can apparently be used primarily for the maintenance of the child (for instance, in Austria). There are even certain cases where the father and mother are under no obligation to provide maintenance if the child possesses an adequate income (*e.g.*, Greece).

(c) *Extent.*

The extent of maintenance varies under the different systems of law :

(i) Maintenance may merely represent the strictly necessary minimum (the Argentine, Ecuador and Spain).

(ii) It may be fixed at a definite sum (this is the case in certain States of the United States of America, and also in Western Australia, where the amount is 20*s.* a week, though this is regarded only as a minimum).

(iii) The rate of maintenance is fixed by the court having regard to the means of the persons concerned, but the rate cannot exceed 20*s.* a week (the United Kingdom, Ireland¹).

(iv) It may be fixed according to the mother's standard of living (Austria, Danzig, Germany, Hungary and, in cases of abduction, Ecuador).

(v) The amount payable by way of maintenance is that which is deemed reasonable in consideration of the circumstances of both the parents. Each of the parents must contribute to the child's maintenance in proportion to his or her income (Sweden).

(vi) It may depend on the mother's social position, on

¹ Where the putative father so consents, a lump sum may be fixed by the justice in commutation of any weekly sum which might otherwise be payable by the putative father in respect of the child.

the one hand, and, on the other, on the financial position of the father (Estonia, Greece, Latvia and Poland).

(vii) In many countries, the amount of maintenance is fixed, first, according to the father's position, and, secondly, according to that of the mother (Denmark, France, Monaco, Norway, part of Roumania, Salvador and Venezuela). The same applies in all countries which make no distinction between legitimate and illegitimate children.

(viii) In certain countries, finally, the law stipulates that the rate of maintenance granted to the illegitimate child shall be that which is most favourable to it (Denmark,¹ Finland and Norway).

(d) *Maintenance Obligations.*

The laws of the various countries differ as to the person responsible for maintenance :

(i) It may be the mother who is mainly responsible (Afghanistan, certain States of the United States of America, Ireland, Japan, former Kingdom of Roumania, Siam and Yugoslavia).

(ii) The father and mother may be jointly responsible for the child's maintenance in equal proportions (Denmark,²

¹ Paragraph 3, Section 2, of the Law on Illegitimate Children lays down the rule that the child should be maintained, brought up and educated with due regard to the circumstances of both parents, provided that, if these circumstances are markedly different, the arrangements made shall be those which are deemed best suited to the requirements of the child.

² As regards the portioning-out of contributions towards the maintenance, bringing-up and education, it is provided under §§ 19 and 20 of the Law that the contributions shall be divided up among the parents of the child according to their economic status, in such a way that, relatively to their economic resources, the burden on both is equally heavy. If the child is not brought up by the father, the latter shall pay towards its maintenance such contribution as shall be assessed by the higher authorities. This amount shall be determined in such a way as to provide a satisfactory level of maintenance which shall not be below the standard of a good institution in the area in which the child is brought up. In the event of both parents being without private means, the father's contribution should usually be fixed at not less than three-fifths of the total expenses entailed by the maintenance of the child. If the mother dies, or if she has no known residence in Denmark, the father's contribution shall usually be assessed at an amount which will cover the whole of the outlay upon the child's maintenance; if the child was conceived as a result of an act judged by a court of law to constitute unlawful carnal knowledge, the father's contribution shall always be assessed in this manner.

Finland, Norway¹ and Sweden).

(iii) Generally, it is the presumptive or putative father who is obliged to bear the cost of the child's maintenance. The mother may be obliged to contribute (*e.g.*, in Estonia, according to his capacities, in Latvia and in Poland).

(iv) In certain countries, responsibility for maintenance falls primarily on the father, the mother, or even her ascendants, being only responsible in his default (Latvia).

There are only a few countries in which ascendants are responsible for the maintenance of illegitimate children, especially among those in which the law regards every child as being legitimate in relation to its mother. The duty devolves on the maternal ascendants (*e.g.*, Danzig, Germany, Hungary and Peru). The same, of course, applies in countries which make no distinction between legitimate and illegitimate children (*e.g.*, Union of Soviet Socialist Republics).

In certain cases, the mother's husband (who is not the father of the child) is obliged to pay for its maintenance (*e.g.*, Union of South Africa, where his responsibility comes even before that of the mother; in Canada, when the child is living in the home).

If a child is born to a married woman, the child is presumed to be legitimate, but this presumption may, in certain circumstances, be rebutted. If the presumption is rebutted, the married woman's husband is not liable for the child's maintenance. If a woman having an illegitimate child marries, her husband thereupon becomes responsible for its maintenance. Section 14 (3) of the Poor Law Act, 1930, provides that the husband in such a case shall be liable to maintain a child "as part of his family". The liability does not therefore appear to exist only where the child is living in the home; it appears rather to make the liability for the illegitimate child, wherever it may be, the same as if it were part of his family (United Kingdom).

¹ Under paragraph 20 of the Norwegian Law of April 10th, 1915, the maintenance allowance for a child born out of wedlock is fixed in such a manner that, as far as possible, both parents bear an equal share of the burden according to their financial circumstances. If one cannot bear any part of the costs, the entire costs may be imposed on the other party—*i.e.*, as a rule, on the father.

Finally, the cost of maintenance falls on the "house" in Japan, and on the "zadruga"¹ in part of Yugoslavia.

The extent to which the cost of maintenance is regarded as a charge on the property left by deceased persons has already been dealt with.

(e) *Right to Maintenance.*

The laws of different countries vary as to what persons have the right to claim maintenance.

(i) Sometimes it is the child who possesses this right (in certain States of Australia, in Belgium and in Venezuela).

(ii) Sometimes the mother has the right to claim maintenance from the father (certain States of Australia, Hungary and the Union of Soviet Socialist Republics).

(iii) Sometimes the right is vested primarily in the mother, but it may also be exercised under a system of official guardianship (Western Australia, United Kingdom—where it is enforced by the collecting officer—Denmark, Finland and Switzerland).

(iv) The person who has custody of the child—as a rule the mother, but sometimes the trustee—is entitled to apply for a maintenance contribution (Sweden).

(v) Sometimes it may only be claimed by those exercising the official guardianship (e.g., Rhode Island in the United States of America and, of course, wherever official guardianship is compulsory).

(vi) There appear to be many cases where the guardian or the person to whom the child is entrusted is entitled to claim maintenance from the father or mother.

(vii) The mother of an illegitimate child, or a local body giving relief to the mother of an illegitimate child, may proceed against the alleged father of the child for maintenance (Ireland).

The period within which an action for maintenance must be brought varies considerably from one country to another:

(i) Forty days from the date of birth (Uruguay), one year from birth (Chile, Ecuador, Latvia and Switzerland), three-

¹ A type of "extended family".

years from birth (Belgium and Hungary), and five years from birth (Greece and the Netherlands).

(ii) A different period may apply as regards the recovery of payments (three years in Austria and Belgium).

(iii) In certain cases, there is no time limit for the bringing of the action (in Austria, for instance, in respect of the initial application, and also in France when the child is not acknowledged).

(f) *Claims.*

The procedure connected with claims for the payment of maintenance varies, and there appears to be considerable laxity in this respect, to the disadvantage of illegitimate children and their mothers.

(i) Maintenance apparently cannot be claimed from the father if it has once been paid by the mother or her ascendants (Germany),

(ii) In certain countries, civil proceedings may be taken for the payment of maintenance, as for any other debt, although the refusal of maintenance to a legitimate child constitutes a criminal offence. This appears to be the case in particular in countries where the refusal is regarded as part of a general moral offence—namely, desertion.

(iii) Nevertheless, the laws of many countries provide for criminal proceedings to secure maintenance of illegitimate children. This is so, for instance, in Austria and Germany on the basis of civil maintenance obligations; in Belgium and in France, where non-payment is a criminal offence if the health of the child has been endangered in consequence (this applies also to the mother); in Canada, on the basis of civil maintenance obligations; in Czecho-Slovakia; in Denmark; in India, irrespective of the father's race, caste or religion; in Norway, where the laws relating to imprisonment for debt apply; in Uruguay; and according to certain Swiss cantons, in particular if the father evades his maintenance obligations by accepting a reduced salary.

The law providing for the expulsion of foreigners for failure to support their families applies also where illegitimate children are concerned (Belgium and Luxemburg).

In Sweden, criminal penalties are inflicted on the father if, owing to his failure to fulfil his maintenance obligations, the mother has committed a crime causing the death of or danger to the child.

B. Maintenance based on Legal Relationship.

The maintenance rights and obligations of the father and the mother, irrespective of the age of the child, are based on a different conception, namely that of the duty of near relatives to assist each other. This conception perhaps arises from an ancient idea of family or tribal property, and explains why laws in many countries stipulate that rights and maintenance obligations exist between direct ascendants and descendants, and sometimes between collaterals. The duty is essentially reciprocal in character and is in all cases determined by indigence, irrespective of age. As it is based on legal relationship, it applies only in a limited degree in the case of illegitimate children. It is, however, recognised in the laws of many countries, but is as a rule restricted to the first generation.

(i) Occasionally it exists only in respect of the mother (Chile, Danzig and Ecuador).

(ii) It often exists in respect of the father and the mother when they have acknowledged the child (Union of South Africa, Argentine, Belgium, Bulgaria, France, Italy, Monaco, the Netherlands, Salvador, Spain, Sweden and, if acknowledgment by the father is voluntary or affects civil status, Switzerland).

(iii) In some countries (e.g., Portugal), it is not admitted in the case of ascendants, but in the case of collaterals—i.e., half-brothers and half-sisters on both the father's side and the mother's, and cousins-german.

(iv) In some countries (Hungary and Venezuela), this mutual maintenance obligation extends to the mother's family.

(v) In certain countries, this obligation exists in respect of illegitimate children just as it does in respect of legitimate children (Latvia, Peru and, of course, countries where no distinction is made between legitimate and illegitimate children, such as the Union of Soviet Socialist Republics).

A problem arises with regard to the right to receive maintenance from children, whether legitimate or illegitimate. Are illegitimate children bound to support their father or mother at the same time as the legitimate children, or only if the parent is not being supported by legitimate children? This question is decided by law in only a few countries (*e.g.*, Latvia, in favour of the first solution; and Venezuela, in favour of the second). The laws of certain countries (France, Monaco and the Netherlands) establish a relationship between rights of maintenance and rights of inheritance. Laws governing the latter must therefore apparently serve as a basis for the solution of this question.

V. LEGAL PROTECTION OF THE MOTHER

I. RIGHTS TO MAINTENANCE AND OTHER CLAIMS BY THE MOTHER.

In many countries, the position of illegitimate children is coming to resemble more and more closely that of legitimate children. The same is not the case, however, with the mother, who, in many countries, is refused the right to maintenance grants from the father—a right to which she would obviously be entitled if she were married. This also seems to be true in many countries where there is no difference of treatment between the legitimate and illegitimate child. It may be added that the mother of an illegitimate child is often in a precarious financial and social position, and this makes such grants all the more necessary. In many cases, for instance, the fact that a pregnant woman is unmarried seems to be considered a valid reason for dismissal. It can be imagined how much more difficult it is for a woman with an illegitimate child to find new employment.

Some countries grant maintenance and other allowances to the mother, though their reasons for doing so seem to vary. For the purposes of this study, four guiding principles may be distinguished :

- A. The analogy with the maintenance rights of the legitimate family;
- B. Civil liability on the basis of causality;
- C. Civil remedy in respect of a criminal act;
- D. Criminal penalties as a general measure of social protection.

This indeed does not constitute an individual remedy but is a general measure of social protection for the mothers of illegitimate children.

*A. Analogy with the Maintenance Rights
of the Legitimate Family.*

One of the principal arguments in favour of the maintenance of the illegitimate child—namely, that the link of natural filiation gives rise to an analogy with ordinary family life—hardly seems to be considered in countries where the laws grant the mother maintenance allowances and the repayment of expenses. It is, however, the case when the mother is entitled to demand a maintenance allowance on behalf of the child either because the child is living with her (Finland), or on account of her inability to earn her living because of the care she must give her child (in Latvia and Poland).

B. Civil Liability on the Basis of Causality.

Rights granted to the mother of an illegitimate child are generally not so firmly established as those normally enjoyed by legitimate families. The principle on which they are based often seems to be that the person who creates a certain situation is legally responsible for that situation, especially since the granting of such allowances to mothers is regarded as a humanitarian obligation. It follows that such allowances are frequently granted to mothers only when they are definitely in need (Austria, Poland, Portugal and the Union of Soviet Socialist Republics). Another consequence of this attitude would appear to be that a number of countries grant allowances in the case of abortion (Denmark) or miscarriage. In this connection, the allowances to which the mother of an illegitimate child is entitled on the ground of legal liability, and the conditions under which they may be claimed by her, should be studied. Such allowances vary from one country to another.

(i) Only the costs of confinement are paid (as in the Union of South Africa, some States of Australia, Canada, Chile, most of the States of the United States of America, and, in some cases, Ecuador).

(ii) The laws of the United Kingdom seem to be based on a broader conception and include costs connected with the birth; similarly, Hungarian law includes confinement expenses.

(iii) In Ireland, expenses incidental to the birth of the child may be granted against the father; and, if the child died before the making of the order, the funeral expenses to an amount not exceeding £5.

(iv) The maintenance of the mother and infant is paid to the mother, together with confinement expenses (four weeks after birth in Belgium; six weeks after birth in Austria, Germany and the Netherlands; at least four weeks before and after birth in Switzerland and four weeks before and six weeks after birth in Latvia; six weeks before and after birth in Sweden; two to four months before and two to six months after birth and, if the child remains with its mother, nine months after birth in Finland; six months after birth in the Union of Soviet Socialist Republics, one year after birth in Greece and three months before and one year after birth in Norway, but this applies only in the case of still-born children). In other cases, the period is three years.

In Denmark, the person who is regarded as the father, or as liable, shall be required to make a contribution towards the expense of the mother's confinement and towards her maintenance for two months before and one month after delivery. In special circumstances, more particularly in the event of sickness of the mother caused by pregnancy or confinement, the obligation to contribute may be made to cover a period of four months before and nine months after delivery. This contribution may be claimed from the father, or from a liable person, even if the child is still-born.

If pregnancy or nursing or any other requisite care for the child seriously hinders the mother from earning her living, the father may be required to contribute to her maintenance for an even longer period, but not for more than four months before and nine months after confinement (Sweden).

In some countries, the mother is entitled to claim pregnancy and confinement expenses in the case of a still-born child (for instance, in Denmark, even in the case of abortion; in Germany; in Greece; in Latvia; in Norway; in Switzerland, but not in cases of miscarriage; and in Uruguay).

In some countries, mothers are not entitled to the various allowances if guilty of misconduct (for instance, in Portugal).

The period within which these various allowances must be claimed varies in different countries, but seems to be always counted from the date of confinement;

(i) One year (Latvia, Norway, the Netherlands, Poland and Switzerland);

(ii) Three years and six weeks (Greece);

(iii) Thirty years (Italy);

(iv) In certain countries, if the mother is deceased, her successors have the right to continue a law-suit that has already been begun, but they cannot institute proceedings themselves (Latvia).

C. Civil Remedy in respect of a Criminal Act.

In the case of unlawful intercourse—a question which will be dealt with later—the mother's right to claim maintenance and damages may be regarded as a civil remedy in respect of the criminal act. Such seems to be the case more particularly in regard to the damages a mother may claim over and above her claim to maintenance arising out of the father's legal liability on the basis of causality (Austria, Germany, Hungary and Switzerland). In some countries, the mother can only claim damages (for instance, France, Italy, some districts of Poland and Roumania, and Venezuela). The English breach of promise law and French and Roumanian judicial practice¹ tend to grant such

¹ Although, under the legislation of the old Kingdom, the legislative power prohibited the tracing of paternity, Roumanian legal practice, following French law, endeavoured to remedy the consequences of this restriction by applying Article 998 of the Civil Code.

Thus, the High Court of Cassation decided that, "if the facts established by the judicial instance before which the case is being heard show that the woman has suffered detriment through intimate relations with a man, as a result of which a child is born, and that her condition of life has suffered in consequence, the establishment of these material facts alone sufficing to prove both the detriment suffered by the woman and the man's guilt, they shall be taken as indicating that the essential elements of the *quasi-délit* referred to in Article 998 of the Civil Code are present" (decision of the Court of Cassation No. 350, June 13th, 1914). This decision was confirmed by the Court of Cassation in plenary session (decision No. III,

damages to the mother on the basis rather of the father's civil liability on the principle of causality than as the civil remedy in respect of a criminal act.

Such damages take the form of the payment of a lump sum, the amount of which is assessed by the court in each case.

D. Criminal Penalties as a General Measure of Social Protection.

In cases of unlawful intercourse, most countries seem to provide penalties which through their deterrent effect constitute a general measure of social protection for the mothers of illegitimate children. When the mother alone is qualified to prosecute, such penalties appear in the light of an individual remedy.

The conception of unlawful intercourse differs according to the laws of the various countries. In general, it covers seduction by persons in a position of trust or authority—chiefly by relatives, guardians, persons living in the same house, teachers, priests and ministers of religion, and employers—and seduction under the inducement of a promise of marriage or betrothal; rape or intercourse with a girl under the age of consent—the age of consent varies from country to country and sometimes in accordance with the morals of the woman, but is most often fixed at 16—and abduction.

Similarly, the laws of the different countries impose different penalties for unlawful intercourse. For the purpose of the present study, consideration need be given only to actual acts

January 15th, 1915), while subsequent legal practice even allowed damages in the form of a monthly maintenance allowance (the Jassy Court of Appeal, quoted in *Pandectele române*, 1922, II.166).

Taking account of the woman's age and inexperience, Roumanian legal practice adopts the same principle when seduction occurs with a promise of marriage (Court of Cassation I, September 29th, 1936, quoted by the *Judicial Courier*, 1937, page 314). In accordance with Roumanian legal practice, seduction alone does not involve civil liability, since it does not in itself constitute an offence (Court of Cassation of January 15th, 1915, quoted by the *Judicial Courier*, 1915, page 248). The seduction must contain an element of deception—i.e., must be preceded or accompanied by a promise of marriage (First Section of the Court of Cassation, December 14th, 1892) or must be rendered possible by the victim's state of physical or moral dependence at the time of seduction (Court of Cassation, January 9th, 1929).

whereby a woman may be rendered pregnant and not to attempts to commit such acts.

(i) In some countries, it is regarded merely as a minor offence punishable on summary conviction. Such seems to be the case in Finland, where the punishment is either a fine or imprisonment.

-(ii) Some countries seem to regard all the acts in question as falling within the correctional jurisdiction and punish them with imprisonment (Germany, Latvia, Luxemburg, Roumania, Uruguay, Venezuela,¹ and some districts of Yugoslavia).

(iii) In some countries, certain acts fall within the correctional jurisdiction and others within the criminal jurisdiction (Iceland).

(iv) Many countries seem to regard these acts as crimes (Union of South Africa, Australia, Austria, Belgium, China, Czecho-Slovakia, Denmark, the Dominican Republic, Egypt, Haiti, Hungary, India, Ireland, Monaco, some districts of Poland, Salvador, Sweden and some districts of Yugoslavia).

Many countries punish such offences with penal servitude and others even with banishment (China), transportation for life (India, in some cases), or death (Haiti, if the offences have resulted in the death of the woman).

According to some laws, the offence is not punished by the courts if the offender afterwards marries the woman (Denmark, Greece, Iceland, Roumania and Turkey). On the other hand, the laws of some countries consider unlawful intercourse in certain cases as a bar to marriage, in order to avoid encouraging such offences.

Intercourse may be unlawful even when a child born of such intercourse could not be illegitimate—*e.g.*, in India, if a marriage is consummated before the wife has reached her thirteenth year.

As we have already said, the mother or her legal representative may be alone authorised to lodge a complaint (Germany, Hungary, Switzerland and some districts of Yugoslavia).

¹ Under the Venezuelan Criminal Code, seduction, rape and abduction are regarded as offences in respect of which private prosecutions may be instituted and are punishable with imprisonment.

2. RELATION BETWEEN MOTHER'S AND CHILD'S MAINTENANCE RIGHTS

The mother's maintenance rights are far from corresponding to those of the children. In one case only is the mother entitled to allowance just as if the child were legitimate—*i.e.*, from her husband when the child is the result of her adultery. When the unacknowledged child may claim maintenance from the putative father, the mother herself is only entitled to claim allowances in exceptional cases from the person whose duty it is to maintain the child (Norway). In many countries, the mother only has the right to claim such allowances from the person who has been clearly proved to be the father—in other words, the person who has acknowledged the child (Austria and Greece). But the mother's rights seem to have a closer connection, more particularly with the acknowledgment of paternity in cases of claims for damages arising out of facts forming the basis of the action to establish paternity. Nevertheless, this does not mean that the mother's claims are, in general, based on those of her child, since, as has already been stated, her right of action is usually founded on her own pregnancy; in certain cases, she may even take proceedings before confinement if she is in need, and if the father's identity is fairly clear (Austria, Greece and Switzerland).

VI. MEASURES PROVIDED IN SOCIAL INSURANCE LAWS

Many countries markedly favour illegitimate children in their social insurance legislation by granting benefit to all persons who are dependent on the insured person and who would suffer prejudice in the materialisation of the risk.

Civil status varies in importance according to the object of the various branches of insurance, which may roughly be divided as follows :

- (1) Branches of insurance, where the primary considerations are the hygienic and eugenic interests of the population;
- (2) Branches of insurance based on civil liability;
- (3) Specific systems of non-contributory pensions.

The present study will not deal with the insurance laws of those countries which do not distinguish between legitimate and illegitimate children, as, for instance, the Union of Soviet Socialist Republics.

I. BRANCHES OF INSURANCE WHERE THE PRIMARY CONSIDERATIONS ARE THE HYGIENIC AND EUGENIC INTERESTS OF THE POPULATION

A. *Maternity Insurance.*

This form of insurance seems as though it should automatically provide a solution to the question of the civil status of the child who has been, or is about to be, born. Such is the case for ordinary illegitimate children but not for children born of adulterous intercourse. As the object of this form of insurance is eugenic and hygienic welfare, it does not generally make a very strong distinction between legitimate and illegitimate births.

(a) *Beneficiaries.*

(i) Whenever the mother receives benefit under her own insurance, the matter is settled explicitly. Only the Netherlands appear to refuse any benefit in cases of illegitimate birth, by stipulating that only insured married women may receive such benefit. Most of the countries allow benefit to all insured women. The Argentine Law of 1936 even states that all women, "whatever may be their civil status", are to receive benefit.

(ii) Whenever married women receive benefit in respect of their husband's insurance (the problems of double insurance and the priority of the husband's or wife's insurance do not affect this study), the question seems, to all intents and purposes, eliminated in practice. The possibility that the child might be born of adulterous intercourse is apparently not considered in this case.

(iii) Benefit derived from the insurance of a father who is not the mother's husband has seemingly not been treated in the laws of any country, although some forms of legislation allow illegitimate children to benefit in other ways as "dependents" or "persons who may be regarded as members of the family".

(iv) Maternity allowances for mothers who are daughters of insured persons are payable as a form of indirect "dependent's" insurance in Germany; this system does not solve the question in theory, but in practice there is reason to believe that this will generally apply to illegitimate births.

The following is a rough summary of the maternity insurance laws in the various countries :

(1) The Netherlands refuse all benefit for illegitimate births;

(2) Many countries which allow maternity benefit in respect of one insurance only invariably seem to give preference to that of the mother; in practice, this implies equal treatment of legitimate and illegitimate births. The granting of benefit in respect of the husband's insurance would establish a distinction in favour of legitimate births.

(3) A great many countries, especially in recent times, make no distinction as regards civil status—the Argentine, British Columbia (Canada), Denmark, Estonia, France,

Greece, Italy, Japan, Latvia, Lithuania, Norway, Spain, Sweden and, apparently under recent legislation, Brazil, Chile and Peru.

(b) *Benefit.*

Maternity benefit, payable when the insured person or her husband has been insured, generally for ten months before the confinement, may take either of the following forms :

(i) Benefit in kind : assistance by a midwife or, if necessary, by a doctor, or hospital treatment; sometimes a layette.

(ii) Benefit in cash : confinement allowance, generally granted for from two to six weeks after and sometimes for from fifteen to ten days before confinement. The amount of such benefit is usually proportionate to the wages of the insured person. For the wives of insured persons, it may be payable in the form either of a daily allowance or a lump sum for each confinement. There is generally a nursing allowance.

B. *Sickness Insurance.*

With the object of protecting the health of the family, a few countries have extended their sickness insurance benefit indirectly to members of the household. The position of the illegitimate child in respect of this branch of insurance is not unfavourable, since the distinction is usually made between children living or not living with the family.

The Yugoslav workers' insurance law expressly solves the question by allowing benefit to all legitimate children and to all illegitimate children, on condition that they are living in the household of the father and mother.

(a) *Beneficiaries.*

(i) The laws of no country entirely exclude illegitimate children from benefit under the father's or mother's sickness insurance. (In respect of the mother's insurance, no country makes any distinction between legitimate and illegitimate children.)

(ii) In respect of the father's insurance, the Swiss and Austrian laws demand formal acknowledgment of paternity.

(iii) The laws of Czecho-Slovakia, Hungary and Poland also require some sort of acknowledgment of paternity;¹ similarly, in Germany, benefit is allowed to children "legally dependent on the insured person".

(iv) Another criterion which affords greater latitude in practice, but which is also legally to the disadvantage of illegitimate children, is furnished by the laws of Estonia and Latvia, which distinguish between the family of the insured and persons "who may be regarded as members of the family".

(v) No distinction between legitimate and illegitimate children is made in Denmark, France, the United Kingdom, Italy, Japan, Lithuania and Norway.

(b) *Benefit.*

As health considerations predominate, benefit chiefly takes the form of medical assistance to the family. They are therefore curative, and sometimes preventive, measures in favour of the members of the household—chiefly medical care and, if necessary, medicaments or hospital treatment.

Besides such benefit in kind, there may also be benefit in cash: additions, for dependent children, to the daily allowance paid during a certain period to the family of an insured person in hospital. This benefit is evidently granted in consideration of civil liability rather than on the basis of the health considerations characteristic of this branch of insurance.

2. BRANCHES OF INSURANCE BASED ON CIVIL LIABILITY

Benefit to children under the employers' compensation laws, invalidity insurance laws, old age and death and unemployment insurance are, in origin, based on civil liability. In general, therefore, the position of illegitimate children as regards these branches of insurance is determined by their civil status under the laws of their country. This can be clearly seen in the Uruguayan life-insurance law, under which illegitimate children who have been acknowledged or the identity of whose father has been established by judicial decision are entitled to an allowance "proportionate to their rights of inheritance under the Civil Code".

¹ Obviously to protect the insurance organisation against abuses.

A. *Accident Insurance.*

(a) *Beneficiaries.*

The categories of illegitimate children regarded as beneficiaries under this branch of insurance are theoretically to be determined by the various provisions of national law.

In Japan, for instance, all illegitimate children, even when not acknowledged, may receive an allowance when the insured parent dies, but this benefit is granted to illegitimate children only when there are no legitimate children and to unacknowledged illegitimate children only when there are no acknowledged children.

Similarly, in the Province of Quebec, Canada, the illegitimate child receives an allowance on the death of his father only when the latter leaves no widow or legitimate or legitimated children.

In the Union of South Africa, the judge may refuse benefit to illegitimate children in favour of the widow and legitimate children under 14.

In other countries, the law does not distinguish between legitimate children and the various categories of illegitimate children, once they have been granted accident insurance benefits.

(i) In India, consequent with the law regarding the right of inheritance, while the illegitimates of higher castes are refused benefits, the illegitimates of the Sudras, on the other hand, have claim on the benefits with the legitimates. It also follows that an illegitimate daughter seems to have a charge on the benefits for maintenance as well as for marriage expenses.

(ii) Children born of adulterous or incestuous intercourse are refused benefit in Belgium and France.

(iii) Only illegitimate children that have been legitimated may apparently receive benefit under the industrial and commercial insurance system in Austria and in respect of social insurance generally in Hungary.

(iv) In France, the Netherlands, Roumania and Spain, all acknowledged children may receive benefit.

(v) All illegitimate children may receive benefit in respect of their mother's insurance; in respect of the father's insurance, the laws in force in Belgium (acknowledgment

before the accident), Czecho-Slovakia, Germany, Poland and Switzerland require formal acknowledgment.

(vi) If the illegitimate child is not receiving a maintenance allowance, he cannot receive benefit under his father's insurance (Denmark).

(vii) A great many countries do not distinguish between legitimate and illegitimate children—Australia, the United Kingdom, Canada (except Quebec), Estonia, Finland, Italy, Latvia, Lithuania, Norway, New Zealand, Sweden and Yugoslavia.

(b) *Benefit.*

Benefit allowed to children in respect of this form of insurance is as follows :

At the death of the parent insured or in receipt of an invalidity pension, orphans receive pensions up to a certain age, generally 16, or until they have completed their studies or apprenticeship, or in cases of infirmity or serious ill-health. In such cases, either the orphans may be paid a lump sum or the benefit may take the form of an addition on account of family responsibilities to the pension of the insured invalid parent or of the widow of the insured father.

B. *Insurance against Invalidity, Old Age and Death.*

(a) *Beneficiaries.*

The condition governing the granting of this benefit is actual, and not merely legal, dependence.

The insurance laws in Belgium and France (under which benefit takes the form of a lump-sum payment) make a definite distinction between children who are dependent on the deceased insured person and those who are not.

Such a distinction is also made in the case of the illegitimate child in the United Kingdom, where benefit is granted to him only if he was living with the insured person at the time of the latter's death. Under these conditions, the illegitimate child may also obtain benefit from the insurance of the mother's husband in cases where he is not the father; between him and the illegitimate child, no legal relationship is deemed to exist.

Such a distinction is even made in favour of illegitimate children in France (in Alsace-Lorraine, for workers' insurance), in Germany and in Poland (for certain workers' insurances). All illegitimate children receive benefit on the death of an insured mother; legitimate children receive benefits only when the mother was making a substantial contribution to their maintenance.

(i) In no country do the laws appear totally to exclude illegitimate children from receiving benefit;

(ii) Only legitimate and legitimated children may receive employees' non-contributory pensions in Yugoslavia;

(iii) To receive benefit, children must be acknowledged in the Argentine (non-contributory pensions), Brazil (non-contributory pensions), France (temporary orphans' pensions), the Netherlands, Roumania, Uruguay (non-contributory pensions) and Yugoslavia (minors' non-contributory pensions);¹

(iv) All illegitimate children receive benefit under the mother's insurance;

In respect of the father :

In Luxemburg, only legitimate children receive benefit;

In Greece, legitimated children also receive benefit; and

In Czecho-Slovakia, Germany, Hungary and Poland, formal acknowledgment is required;

(v) Some sort of acknowledgment¹ is required by Italian law and, on the part of the father, by the Austrian law on workers' pensions insurance;

(vi) No distinction is made between legitimate and illegitimate children in Austria (workers' non-contributory pensions), Belgium, France (where benefit is in the form of the payment of a lump sum), Ireland, Luxemburg (non-contributory pensions) and Sweden.

(b) *Benefit.*

Children's benefit under this form of insurance may be the same as under accident insurance. In a few cases, an extra grant for family responsibilities is made, in addition to the old age pension.

¹ Obviously to protect the insurance organisations against abuses.

3. SPECIFIC SYSTEMS OF NON-CONTRIBUTORY PENSIONS

A. Mothers' Allowances.

These are non-contributory pensions granted to indigent mothers and are expressly intended for the children they have to support and bring up themselves. Such allowances are granted in only a very few countries.

(i) Such allowances are paid only in respect of legitimate children, as in some provinces of Canada and some States of the United States of America;

(ii) The allowance is apparently granted only in respect of legitimate or legitimated children, as in France;

(iii) The allowance is paid irrespective of the civil status of the child, but only to married women or widows—for instance, in some provinces of Canada (sometimes with the exception of children born of adulterous intercourse);

(iv) The allowance may also be paid to unmarried women in British Columbia (Canada) and sometimes in some States of the United States of America and in New Zealand,¹ also subject to certain conditions.

B. Widows' Allowances.

These are non-contributory pensions granted to widows with children to support.

(i) The allowance is paid irrespective of the civil status of the child in Australia (New South Wales, but not when the illegitimate child was born after the mother became a widow);

(ii) In New Zealand, the widows' pension can now be made payable in respect of children who are illegitimate.²

¹ Applications for assistance in respect of illegitimate children are specially enquired into and each case is decided on its merits, having regard to questions of financial circumstances, how long the child has been maintained by the particular family and whether any maintenance is payable by the father of the child (New Zealand).

² As an example, the case of a woman who has been living with a man as his wife for several years and has had one or more children to him may be mentioned. On his death, the woman can claim assistance from the State for herself and children in the same manner as if she had been legally married, if the case is considered worthy of help. It is also possible for a widow with legitimate or illegitimate children to receive assistance in respect of the latter.

VII. SPECIAL SOCIAL WELFARE MEASURES

Social welfare is prompted by the desire and the need to help the unfortunate. It has its origin in the duty to supply, as far as possible, what is missing in the lives of the weak and poor—to provide them with the material necessities to which every member of society is deemed to be entitled both in his own interest and in the interest of the community. Social welfare may be divided into two branches, according to the nature of the benefits :

1. Social assistance;
2. Public health.

1. SOCIAL ASSISTANCE

Social assistance may be regarded as a moral duty on the part of the bodies dispensing it, or it may originate in the ideas of the French Revolution—viz., that it is the legal right of all members of the community. This implies a distinction between :

- A. Voluntary assistance;
- B. Official assistance.

A. *Voluntary Assistance.*

Voluntary assistance is given by the most varied bodies, religious and lay.

Its scope, the nature of the benefits and the persons entitled to such benefits depend upon the point of view of those who provided the assistance.

In many countries, voluntary assistance is carried on side by side with the system of public assistance or is, to a large extent, supplementary to it. In others, it entirely takes the place of public assistance.

B. *Official Assistance.*

Official assistance has its origin in the duty of the community to provide to some extent for the maintenance of persons, and above all of minors, when in actual need and unable to obtain assistance from the persons from whom they are entitled to receive it.

Quite apart from civil status, therefore, indigence is the ground on which a person is entitled to social assistance benefits. Far from being disqualified by the circumstances of their birth, illegitimate children are, on the contrary, permanent beneficiaries from social assistance, because, in law and in fact, their illegitimacy reacts unfavourably upon their social and economic situation, and also because they often belong to the less fortunate sections of society.¹

(a) *Proof of Indigence.*

Indigence may be established by official assistance services in various ways :

- (i) In some countries, it is the particulars contained in the tax registers which are taken as a basis;
- (ii) In others, the information is obtained by home visits;
- (iii) Lastly, in the case of minors, a judicial declaration of desertion would seem to constitute specific proof of indigence.

(b) *Competent Authority.*

Official assistance, which is available in a great many countries, may be administered by different authorities :

- (i) In some cases, the principal competent authority is the State, which acts through a Government department, or through a special body, or, again, through the courts;
- (ii) In some cases, the responsibility is shared by the State and the local authorities, either according to the

¹ Attention is therefore devoted, in this chapter, not only to the position of illegitimate children in relation to social assistance measures, but also to the measures often actually applied to them in practice.

different branches of administration (legislative, executive, financial) or to the various categories of benefits;

(iii) The principal competent authority may be the local authorities (municipal, provincial, cantonal, etc.), though, generally speaking, its power is derived from national legislation;

(iv) Lastly, responsibility may rest with either the State or the local authorities (municipal, provincial, cantonal, etc.)—or more generally with both jointly—with the clearly defined co-operation of voluntary organisations; in some cases, the responsibility is explicitly or tacitly delegated to these organisations.

The bodies administering assistance may concern themselves in particular with inspection, the distribution of allowances, the payment of maintenance to foster families, or the selection of such families.

(c) *Beneficiaries.*

For the purposes of this study, the beneficiaries may be in the first place the child and in the second place the mother. Generally speaking, a child—particularly an infant—will always be better cared for by its mother than by any other person, even though the latter may be better qualified in actual fact.

This finds expression in French legislation in the provision to the effect that a mother who takes her child to the public assistance institution for children is first offered an allowance to enable her to keep the child with her (*secours préventifs d'abandon*), the institution admitting the child only if she should refuse it.

In many countries, a child in receipt of assistance is taken away from the mother only when she is unable to look after it herself because of her employment—as a servant, for instance, or away from home—or because she has married a man who is not the child's father, or where the life she is leading might be harmful to the child.

In other countries, on the contrary, it is thought preferable to board out assisted children in families, rather than entrust them to institutions of the asylum type (in Sweden, for instance).

It would therefore seem desirable to draw a distinction between the allowances granted :

- (i) When the child remains with the mother;
- (ii) When the child is removed from the mother's care.

(i) *When the Child remains with the Mother.*—The allowances may be in cash or in kind. Cash allowances are less usual and take the form of a grant to the mother for the child's maintenance. This type of assistance seems to be available, for instance, in Australia, France, Ireland, Italy and Japan. In France, for example, in granting allowances to large families, account is also apparently taken of acknowledged illegitimate children, provided they are living in the household of the father or mother. The contribution which the father is required by law to make towards the child's maintenance is advanced and collected and, if necessary, even borne entirely by the public assistance authorities in Denmark and Norway, where the cost of establishing paternity may also be borne by the State.

Assistance in kind is sometimes given to the mother and child jointly. The mother is placed with the child in a children's home, or both mother and child are boarded out with a family. As a rule, however, assistance is confined to special aspects of the child's welfare.

Such special assistance may be in respect of :

(a) Maintenance in the strict sense—for instance, free milk, day nurseries, kindergartens, school meals, school outfit;—or

(b) Education—for instance, certain grants, free equipment;—or

(c) Health; this subject is dealt with in a later chapter.

In many countries, provision is made for the inspection of assisted children living with their mothers. The Scandinavian countries, especially Denmark, seem to have introduced compulsory inspection in respect of all illegitimate children.

(ii) *When the Child is removed from the Mother's Care.*—In the case of children removed from their mothers' care, allowances are only granted to the child, and they are, of course, in kind and all-inclusive. They take the form of placing in a family or institution.

(a) *Placing in Families.*—Children are placed in families, in order that they may have the usual advantages of family life in an ordinary home.

In a large number of countries, a good many, and sometimes the great majority, of the children boarded out as necessitous or deserted are illegitimate, as is the case, for example, in Austria, Canada, Czecho-Slovakia, Hungary, Sweden and Switzerland.

A child is placed in a family until his mother can take charge of him again, or until he has been acknowledged or adopted, or reaches a certain age. This would seem to apply, in particular, to countries where all assisted children are boarded out.

In selecting the family, certain considerations are taken into account in most countries—viz., whether the family is complete (that is to say, consists of a married couple), the age and sex of their own children, age of the married couple various circumstances concerning other persons living in the house, health conditions, standard of living, intellectual standard, etc.)

As a rule, the family has such personal rights and duties concerning guardianship as are not reserved to the child's father and mother.

Remuneration may or may not be paid in respect of children boarded out. Where it is paid, it may be charged to social assistance authorities, or to the parents in virtue of their maintenance obligations.

(b) *Placing in an Institution.*—In countries where placing in foster families is not general, children may be placed in an institution. In some cases, both methods are adopted. The institutions are of various types; they may be either denominational or lay, and may be controlled either by the State, the local authorities, or a voluntary organisation. In many cases, they not only supply the child's material requirements, but also provide it with a fairly complete education.

2. PUBLIC HEALTH

The object of public health measures is to safeguard the health of individuals, on the one hand, and, on the other hand, to improve their environment from the health standpoint. An analysis of

the general organisation and administration of public health services would be out of place in this study. This section will therefore be confined to an examination of special provisions for unmarried mothers and measures applicable to children solely on the ground of illegitimacy.

The authorities and organisations in most countries would seem to have turned their attention in the first place to the care of the sick. Not until the beginning of the twentieth century did the idea of prevention modify the aims and administration of the public health services. An attempt was made to provide protective measures covering the whole population, in place of curative measures for persons suffering from a disease or infirmity. Naturally, the weakest members of the community—the children—were the first to benefit from such measures. And it is only logical that those children who, because of their irregular position, are in an even weaker situation than the rest should be protected even more effectively. It would therefore seem desirable, in analysing public health measures for the illegitimate child, to draw a distinction between :

- A. Preventive health measures;
- B. Medical treatment.

It is difficult in practice, however, to draw a clear distinction between them, as some measures—for instance, maternity services—and even some forms of treatment, may have both a curative and a preventive aspect.

For the purposes of this study, public health services benefit two groups :

- (a) Mothers;
- (b) Children.

It would therefore seem desirable to deal separately with the benefits accorded to each group.

A. Preventive Health Measures.

One of the main features of preventive health measures is that, through their very purpose, they are not confined to indigent persons. At the same time, wider facilities are available for the indigent or the less protected groups of the community.

(a) *Mothers.*

The two aims of preventive health measures for mothers are :

- (i) To protect the health of the mother;
- (ii) To protect the health of the child.

The methods adopted are mainly educational. The most usual service is the ante-natal clinic, open to all pregnant women. In some countries, these clinics are organised by the health authorities; in others, they are supported by semi-official or voluntary organisations.

No country has promulgated any law or decree to compel pregnant women to attend an ante-natal clinic. Up to the present time, very little attention has been devoted to the idea of the compulsory notification of pregnancy. It is therefore extremely difficult to get into touch with unmarried pregnant women, particularly as their condition is viewed with disapproval in most sections of society. The field covered by ante-natal clinics is therefore restricted, because their services are available only to mothers who attend of their own accord.

Generally speaking, the following services are provided by ante-natal clinics :

- (i) Medical advice;
- (ii) Home visits;
- (iii) Instruction of the expectant mother in matters concerning her own health and that of her child.

Sometimes the clinic itself, or some other voluntary organisation attached to it or interested in its work, supplements these services, in the case of indigent expectant mothers, with allowances in cash or in kind. In principle, no distinction is made between married and unmarried women; but, in practice, doctors, nurses, health visitors and social workers give special attention to unmarried expectant mothers because of their irregular position.

In some countries (Austria, Czecho-Slovakia, Germany, Hungary, etc.), the clinics attached to universities extend certain facilities to pregnant women; in particular, their maternity wards admit all women at any stage of pregnancy. They are, that is to say, provided with board and lodging, clothing, medical attention, advice on ante-natal hygiene and, where necessary,

treatment, in return for domestic work. Obviously this arrangement has no great attraction for married women with homes of their own. On the other hand, it is welcomed by the unmarried mother, who is often forced to leave her own family or situation, and finds it difficult to obtain work.

(b) *Children.*

The aim of preventive health measures for children is to safeguard their health and to provide them with what is necessary for normal growth.

These usually consist of clinics for infants and pre-school and school clinics, etc. As in the case of ante-natal clinics, they are organised by the health authorities in some countries and by semi-official or voluntary organisations in others. It is naturally easier to bring newly born babies, infants and young children within the scope of the preventive measures than pregnant women, and the work is now fairly well organised. In many countries—particularly in Central Europe—where the registration of births is compulsory, the registry offices are required, by orders or decrees, to send an official notification of every birth to the authority or competent organisation responsible for preventive health measures for children. In other countries, where the registration of births is also compulsory, but the registry offices are not required to notify births to the child welfare organisations, there is often a semi-official understanding between the registry offices and the organisations that the latter may regularly consult the register of births. Of course, in countries where the registration of births is optional, one of the most important, and sometimes the most difficult, tasks of child welfare organisations is to obtain information of births.

Generally speaking, where registry offices are under an obligation to notify births, no distinction is drawn between legitimate and illegitimate children.

Clinics for infants, pre-school clinics, etc., usually provide :

- (i) Medical advice;
- (ii) Home visits;
- (iii) Instruction of mothers in matters concerning the health and care of their children and instruction of older children—*e.g.*, school-children.

The services available at clinics are supplemented, when necessary, in the case of both the child and its mother, by assistance in cash or in kind from the clinic itself or other organisations. Generally speaking, no distinction is made between legitimate and illegitimate children, but, in practice, more attention is given to illegitimate children because of their irregular position.

In some countries, one of the measures taken for the protection of the health of the child is to regulate the engagement of wet-nurses. In addition to medical measures to prevent the engagement of women suffering from a contagious or infectious disease and thus to protect the children to be nursed, steps are also taken to protect the wet-nurse's own child. In the first place, it is provided that a wet-nurse's child shall be nursed at least for a certain period and shall not be left by its mother when she becomes a wet-nurse. Such measures usually prohibit the engagement as wet-nurse of a woman whose child is below a certain age, usually six months, or provide that no wet-nurse shall be engaged unless accompanied by her child. Measures of this kind are naturally more useful to unmarried mothers. Indeed, married women are rarely willing to leave their homes to become wet-nurses; for the most part, they only do so because of extreme poverty. On the other hand, it is quite common for unmarried mothers to become wet-nurses. Consequently, while these measures are not specially intended for the protection of illegitimate children, they are in practice of greater benefit to illegitimate than to legitimate children.

B. *Medical Treatment.*

The object of medical treatment is to restore health. Generally speaking, the treatment provided for as a special measure of social welfare is regarded as a form of assistance to the indigent. It consists of:

- (i) Medical advice and care;
- (ii) Drugs;
- (iii) Hospital treatment.

Medical assistance is often a branch of social assistance. It may be regarded as a legal obligation of the community or as a moral duty incumbent on the bodies dispensing it. Where

medical assistance is included in official assistance, evidence of indigence is required. Where social assistance is provided by semi-official or voluntary organisations, the establishment of indigence is subject to fewer formalities.

Generally speaking, the forms of assistance granted to mothers during confinement are the same as the benefits in kind accorded under social insurance schemes—viz., the services of a midwife and, if necessary, of a doctor, or hospital treatment. In other cases, medical treatment, drugs and hospital treatment depend on the nature of the ailment from which the mother or child is suffering. Medical assistance is available without distinction to both unmarried and married mothers and legitimate and illegitimate children.

Social insurance schemes have not played a very important part in preventive health measures up to the present. At the same time, in a few countries where social insurance is not compulsory and is in the nature of a private undertaking—the United States of America, for instance—many insurance companies have, for some years, realised the advantage, from the financial standpoint, of placing preventive health services at the disposal of insured persons to enable them to safeguard their health, thus reducing the cost of sickness benefits and allowances. A similar movement is now discernible in countries where social insurance is compulsory, and certain preventive health services, such as ante-natal clinics, are becoming more general. As far as medical assistance in respect of sickness is concerned, as a result of the steady growth of social insurance schemes and the increase in the number of insured persons, such schemes are taking over the duties performed by the social assistance services more rapidly than those connected with preventive health measures.

VIII. STATISTICAL INFORMATION

The tables in Annex¹ contain certain statistical data on illegitimacy.¹ The information is limited from two points of view. It touches only certain aspects of illegitimacy and is restricted to a certain number of countries.

In general, the information contained in the tables relates to the following aspects of illegitimacy :

(i) Figures with regard to both live and still births in a certain number of countries and the proportion of illegitimate births. These same tables also compare the proportion of deaths under 1 year between legitimate and illegitimate children;

(ii) Figures relating to the infant mortality rate per 100 live births and giving the proportion of infant mortality rate for illegitimate children in several countries;

(iii) Figures relating to the acknowledgment of illegitimate children on registration and after registration, and to the legitimation of illegitimate children by subsequent marriage and by rescript in a few countries.

One of the main difficulties was that there is no uniformity in the systems of recording and classifying figures used in the statistical year-books of the various countries.

Generally speaking, the majority of the statistical data contained in the tables concern births. Fewer countries make a distinction between legitimate and illegitimate children when recording still births and the infant death rate. An even smaller number of statistical year-books contain figures on the number of acknowledgments and legitimations of illegitimate children effected in a given period.

¹ The source of these statistics was in each case the statistical year-book of the country mentioned.

The statistical year-books of certain countries make a distinction between legitimate and illegitimate births. In some countries, a further distinction is made between live births and still births¹ (the United States of America, Austria, Belgium, Bulgaria, Canada, Cuba, Czecho-Slovakia, Danzig, Denmark, Estonia, Finland, France, the French Protectorate in Morocco, Germany, Greece, Italy, Japan, Latvia, Lithuania, Luxemburg, the Netherlands, Curaçao, Surinam, New Zealand,² Norway, Portugal, Sweden, Switzerland and Yugoslavia), whereas in a number of countries the figures also include still births (the Union of South Africa, Australia, the United Kingdom, Colombia, Costa Rica, Hungary, Panama, Paraguay, Salvador, Uruguay and Venezuela). Again, in the case of certain countries, there is no indication whether or not figures include both live and still births (Algeria, Argentine and Chile).

When recording deaths under 1 year of age, an even smaller number of countries were found to differentiate between legitimate and illegitimate children (Austria, Bulgaria, Danzig, Denmark, Finland, France, Germany, Italy, Latvia, Lithuania, Luxemburg, the Netherlands, Surinam, Norway, Sweden, Switzerland and Venezuela).

Only a small number of statistical year-books contain figures relating to the acknowledgment of illegitimate children (France, Italy, Panama and Surinam), a few others give information relating to the number of legitimations of illegitimate children (Australia, Austria, Luxemburg and New Zealand) and some contain information concerning both acknowledgment and legitimation (Belgium, Curaçao, Switzerland and Uruguay).

The statistical year-books of several countries make no distinction between legitimate and illegitimate births (China, India and Spain). In the statistical year-books of Mexico, although they contain no data on illegitimate births, there is an explanation that, owing mainly to a certain objection to religious marriage and to the social attitude of the working classes, there are presumed to be a fairly large number of "illegitimate families".

¹ Still births are registered in Scotland since January 1st, 1939.

² In New Zealand practice, still births are counted neither as births nor as deaths, but are presented in a separate statistical series.

Again, the statistical year-books of Turkey do not contain figures relating to illegitimate births, because civil status is not permitted to be entered on the registers.

When examining the figures in the attached statistical tables, great caution is necessary for several reasons. Birth registration is not equally strictly enforced in every country, nor are the entries in the birth registers of different countries identical. There seems also to be a certain elasticity in the conception of various countries in defining still birth, with the result that, in countries where for various reasons there is a tendency to record as live births any births where there is the slightest doubt, the rate of still births is naturally decreased, though on the other hand the infant mortality rate of that country is increased.

A study of the attached statistical tables reveals the wide differences existing between various countries in respect of the rate of illegitimate birth. It varies from 1% to over 70%.

Illegitimate births constitute less than 5% of all births in the Union of South Africa, Algeria (Mohammedan population), the United States of America (white population), Belgium, the United Kingdom, Bulgaria, Canada, French Morocco, Greece, Ireland, Luxemburg, the Netherlands, New Zealand, Portugal and Switzerland.

Illegitimate births constitute from 5% to 10% of all births in Czecho-Slovakia, Estonia, Finland, France, Italy, French Algeria (white population), Hungary, Japan, Latvia, Lithuania, Norway, Poland and Yugoslavia.

They constitute 10% to 20% of all births in the United States of America (coloured population), Cuba (white population only), Danzig, Denmark, Germany and Sweden; 20% to 30% of all births in the Argentine, Austria, Costa Rica and Uruguay; 25% to 35% of all births in Curaçao; 30% to 40% of all births in Chile; 40% to 50% of all births in Cuba (coloured population); 50% to 60% of all births in Guatemala, Salvador and Venezuela; 60% to 70% of all births in Panama and Paraguay; over 70% of all births in Surinam.

No definite conclusions can be drawn from the study of these statistical tables without detailed knowledge of the religious, social, economic and other factors influencing the rate of illegitimate births in a given country. Nor is it possible to judge the

rate of illegitimacy in its true proportions without comparing it with figures relating to the birth rate in general. Attention may, however, be drawn to certain facts :

(i) It seems that, in certain parts of the world like South America, the rate of illegitimate births is higher than, for instance, in Europe. Again, in countries where there is a white and coloured population, the rate of illegitimacy seems to be higher among the latter. There is one exception to this rule—Algeria—where the rate of illegitimacy is lower among the Mohammedans than among the white population.

(ii) There seems to be no apparent reason why in certain European countries the rate of illegitimate births is low. Living conditions in Bulgaria, the Netherlands, Greece and Switzerland, which all have an illegitimacy rate under 5%, are certainly not similar. On the other hand, the three Scandinavian countries, where it might be presumed that living conditions in general are fairly similar, show a fairly wide difference in the illegitimacy rate (Sweden approximately three times as high as Norway).

(iii) It seems that in the majority of countries the rate of illegitimate births is tending definitely to decrease. This decrease is subject to small fluctuations, and in some cases it is more marked than in others. On the other hand, in a few countries the rate of illegitimacy is increasing—Algeria (white population), the United States of America (for both the white and the coloured population), Bulgaria, Canada, Cuba (for both the white and the coloured population), Estonia, French Morocco, Guatemala, Hungary, Latvia, Lithuania, Salvador, Venezuela and Yugoslavia. In the case of some countries, the reason for this increase might be a greater accuracy in the registration of births; again, in others it might be due to social or economic factors.

(iv) The rate of still births is considerably higher among the illegitimate, sometimes 50-100% higher, than among legitimate children. There is one exception—Bulgaria—where still births seem to be lower among illegitimate than among legitimate children. No reason is suggested for this divergence from an apparently general rule.

(v) A decrease or increase in still births among illegitimate children seems to be parallel with a decrease or increase in illegitimate live births in a given country. There are, however, a few exceptions. In Austria, the rate of illegitimacy in respect of live births shows small fluctuations; on the other hand, still births among illegitimate children are definitely increasing. In Estonia, where the rate of illegitimacy in respect of live births is increasing, there is a marked decrease in still births of illegitimate children. Again, in Greece, where the rate of illegitimacy among live births has been subject to very small fluctuations in the past few years, there has been a smaller decrease in still births among illegitimate children.

(vi) It seems that without exception, wherever there are data available on deaths under 1 year of age, the death rate is higher among illegitimate than among legitimate children.

(vii) The same rule applies when deaths under 1 year of age are considered from the angle of the infant mortality rate to each 100 live births. Without exception, there is a higher infant mortality rate among illegitimate children; sometimes the difference is as high as 50-100%. The reasons for this higher rate are obvious: it is partly due to the less favourable legal status of the unmarried mother and the illegitimate child, partly to the social and economic consequences of this unfavourable position.

(viii) Hardly any conclusions can be drawn from the figures relating to acknowledgments and legitimation. In Austria, Belgium and Italy, for the years where data were available, there seems to be a high percentage of legitimation or acknowledgment. In Curaçao, according to the figures, some organised action for the legitimation of illegitimate children must have taken place.

In fact, on the basis of the available data, it is impossible to draw definite conclusions. Several countries give no figures relating to illegitimate births, either because the registration of births is not compulsory or because they have difficulties in enforcing it; again, data may be lacking because civil status may not be recorded on the register of births. The figures in

these statistical tables, therefore, are not complete enough to judge of the extent of illegitimacy in the world. It should be added that wherever registration is incomplete, it will be even more so for illegitimate births.

The statistical data contained in the statistical year-books give very little indication as to the age and occupation of mothers, or whether they were living in a rural or industrial community. It should be remembered that a birth is generally registered where the confinement took place and not at the place of legal domicile of the mother: and as, in the majority of cases, the mother of an illegitimate child tries to leave her usual domicile to be confined elsewhere, the study of this question is rendered more difficult.

Note.—(a) *Provisional numbers*: Certain statistical year-books give provisional numbers for the last years, generally based on rapid calculations; these provisional numbers are confirmed, as a rule, in subsequent issues of the year-book.

(b) *Approximate numbers*: Where the statistical year-books gave only percentages with respect to certain headings, the actual numbers had to be calculated. As this could not be done with absolute accuracy, these numbers are indicated as approximate in the statistical tables.

ANNEXES

ANNEX 1—TABLES

(a) LIVE AND STILL BIRTHS, AND THE PROPORTION OF ILLEGITIMATE BIRTHS

Country	Year	Live births			Still births			Died under one year of age		
		Total	Illegitimate births		Total	Illegitimate births		Total	Illegitimate	
			Number	Rate per 100 live births		Number	Rate per 100 live births		Number	Rate per 100 deaths under one year of age
1	2	3	4	5	6	7	8	9	10	11
<i>Union of South Africa:</i>	1927	44,347	1,147	2.6						
	1928	44,813	1,213	2.7						
These figures include still births. European population only.	1929	46,219	1,195	2.6						
	1930	47,534	1,263	2.6						
	1931	46,423	1,208	2.6						
	1932	44,944	1,206	2.7						
	1933	44,519	1,193	2.7						
	1934	44,878	1,158	2.6						
	1935	47,717	1,249	2.6						
<i>United States of America:</i>	1927	1,765,512 ^a	28,722	1.6	62,011	1,803	2.9			
		205,686 ^b	26,412	12.8	15,693	2,920	18.6			
These figures do not include the States of California and Massachusetts, as these two States make no distinction	1928	1,825,627 ^a	30,488	1.7	64,323	2,095	3.2			
		244,958 ^b	33,454	13.6	20,271	4,033	19.9			
	1929	—	—	—	—	—	—			
	1930	—	—	—	—	—	—			
	1931	1,715,197 ^a	32,984	1.9	57,599	1,953	3.4			
		246,916 ^b	36,418	14.7	18,279	3,750	20.5			
	1932	1,674,668 ^a	34,949	2.1	55,153	2,029	3.7			
		852,747 ^b	30,811	15.7	18,738	4,240	22.6			

mate and illegitimate births.	1933	1,071,760 ^a	34,800	2.1	54,038	2,001	3.8			
		270,982 ^b	42,277	15.6	18,858	4,083	21.6			
^a White population.	1934	1,739,982 ^a	35,547	2.0	55,070	2,080	3.8			
^b Coloured population.			285,480 ^b	43,251	15.1	19,580	4,319	22.0		
Argentine Republic :	1931	310,355	75,273	24.3						
	1932	311,737	79,144	25.4						
	1933	293,764	75,735	25.8						
	1934	291,000	76,502	26.3						
	1935	291,962	76,017	26.0						
	1936 ^a	273,001	69,466	25.4						
Australia : These figures include still births.	1927	133,698	6,289	4.7						
	1928	134,078	6,331	4.7						
	1929	129,480	6,088	4.7						
	1930	128,399	5,935	4.6						
	1931	118,509	5,841	4.9						
	1932	110,933	5,300	4.8						
	1933	111,269	5,239	4.7						
	1934	109,475	4,925	4.5						
	1935	111,325	4,901	4.4						
Austria :	1927	122,411	30,603	25.4	3,681	1,088	29.5	14,982	4,661	31.1
	1928	120,339	30,157	25.1	3,500	1,078	30.8	13,674	4,339	31.7
	1929	115,306	28,734	24.9	3,213	948	29.5	12,533	4,019	32.1
	1930	115,829	30,440	26.3	3,236	990	30.6	8,584	3,763	43.8
	1931	109,589	28,594	26.1	2,928	912	31.1	10,975	3,540	32.3
	1932	105,180	27,608	26.2	3,001	950	31.6	10,822	3,546	32.8
	1933	99,120	26,861 ^a	27.1	—	—	—	9,079	2,937	32.3
	1934	94,290	24,986 ^a	26.5	—	—	—	—	—	—
	1935	91,621	23,088 ^a	25.2	—	—	—	8,754	2,684	30.7

Country	Year	Live births			Still births			Died under one year of age		
		Total	Illegitimate births		Total	Illegitimate births		Total	Illegitimate	
			Number	Rate per 100 live births		Number	Rate per 100 live births		Number	Rate per 100 deaths under one year of age
1	2	3	4	5	6	7	8	9	10	11
<i>Belgium :</i>	1927	145,275	6,555	4.5	6,127	414	6.7			
	1928	146,981	6,441	4.4	4,275	417	9.7			
	1929	146,206	6,175	4.2	6,183	404	6.5			
	1930	151,406	6,111	4.0	6,268	400	6.4			
	1931	148,538	5,511	3.7	6,183	382	6.2			
	1932	144,835	5,133	3.5	5,850	342	5.8			
	1933	135,769	4,274	3.1	5,662	334	5.9			
	1934	132,568	3,901	2.9	5,479	254	4.6			
	1935	127,405	3,726	2.9	5,209	279	5.3			
<i>United Kingdom :</i> These figures include still births. The figures for Scotland are also given separately. Scotland :	1927	777,520	37,263	4.8						
	1928	783,052	38,052	4.9						
	1929	761,963	37,688	4.9						
	1930	769,239	37,958	4.9						
	1931	749,974	36,022	4.8						
	1932	730,079	34,735	4.8						
	1933	691,560	32,609	4.7						
	1927	96,672	6,978	7.2				8,576	—	—
	1928	96,822	7,158	7.3				8,209	—	—
	1929	92,880	7,165	7.7				8,061	—	—
1930	92,549	6,950	7.3				7,852	—	—	

	1931	92,220	6,601	7.2						
	1932	91,000	6,456	7.0			7,840	—	—	
	1933	86,546	5,964	6.8			7,019	—	—	
	1934	88,836	6,119	6.8			6,901	—	—	
	1935	87,928	5,777	6.5			6,754	—	—	
	1936	88,928	5,744	6.4			7,315	688	9.4	
	1937	87,810	5,404	6.1			7,050	657	9.3	
<i>Bulgaria :</i>	1927	183,354	2,412	1.3	1,127	35	0.3	30,596	518	1.7
	1928	185,189	2,635	1.4	1,214	49	0.4	27,512	576	2.1
	1929	173,417	2,580	1.5	1,282	48	0.4	22,981	546	2.4
	1930	179,973	3,092	1.7	1,451	66	0.4	24,886	631	2.5
	1931	171,180	3,283	1.9	1,390	54	0.4	26,740	782	2.9
	1932	185,578	3,791	2.0	1,482	73	0.5	27,799	780	2.8
	1933	174,108	4,271	2.4	1,555	76	0.5	25,378	857	3.4
	1934	186,790	4,587	2.4	1,591	90	0.6	23,812	835	3.5
	1935	160,951	4,096	2.5	1,574	75	0.5	24,776	812	3.3
	1936	159,146	4,261	2.8	1,751	91	0.5	22,858	818	3.6
<i>Canada :</i>	1927	234,188	6,715	2.9	7,336	302	4.1			
It seems that	1928	236,757	7,248	3.0	7,538	331	4.4			
the increase in	1929	235,415	7,516	3.2	7,566	400	5.3			
the percentage	1930	243,495	8,059	3.3	7,707	433	5.6			
of illegitimate	1931	240,473	8,365	3.5	7,619	433	5.7			
children is	1932	235,666	8,460	3.6	7,284	393	5.4			
mainly due to	1933	222,868	8,426	3.8	6,848	376	5.5			
greater accur-	1934	221,303	8,070	3.6	6,452	354	5.5			
acy in the re-	1935	222,451	8,344	3.7	6,449	348	5.4			
gistration of										
births.										

Country	Year	Live births			Still births			Died under one year of age		
		Total	Illegitimate births		Total	Illegitimate births		Total	Illegitimate	
			Number	Rate per 100 live births		Number	Rate per 100 live births		Number	Rate per 100 deaths under one year of age
1	2	3	4	5	6	7	8	9	10	11
<i>Chile :</i>	1927	172,673	60,552	35.1						
	1928	223,516	78,445	35.1						
	1929	176,030	55,801	31.7						
<i>Colombia :</i>	1927	201,205	56,337	28.0						
These figures include still births.										
<i>Costa Rica :</i>	1927	22,788	5,220	23.1						
	1928	23,109	5,247	23.0						
	1929	22,662	4,889	21.6						
	1930	23,650	5,094	21.5						
	1931	23,838	5,375	22.5						
<i>Cuba :</i>	1927	43,572 ^a	5,125	11.8	4,269	777	18.2			
		14,544 ^b	4,889	33.6	2,129	1,152	54.1			
	1928	43,525 ^a	5,334	12.2	4,040	848	21.0			
		10,695 ^b	5,191	48.5	1,916	1,090	56.9			
	1929	43,754 ^a	5,448	12.4	3,957	927	23.4			
10,833 ^b		5,354	49.2	1,971	1,109	56.3				

<i>Czecho-Slovakia :</i> a These figures include children born of marriages not recognised by the State, such as the ritual marriages of Jews. The children born of such marriages are considered legitimate.	1927	385,709	36,168	10.8	7,601	1,238	10.8			
	1928	330,267	28,934	8.8	7,524	1,207	16.0			
	1929	326,303	34,362	10.5	7,280	1,210	16.6			
	1930	333,253	35,708	10.7	7,450	1,182	15.9			
	1931	318,452	34,260	10.7	7,004	1,102	15.7			
	1932	312,642	34,425	11.0	7,041	1,107	15.7			
	1933	287,675	31,515	10.9	6,606	1,093	16.5			
	1934	280,756	29,903	10.6	6,470	1,026	15.8			
1935	267,925	24,638	9.2	6,081	895	14.7				
<i>Danzig :</i>	1927	8,863	1,271	14.3	255	40	15.9	1,092	221	20.2
	1928	8,911	1,298	14.6	239	40	20.5	974	197	20.2
	1929	8,852	1,268	14.3	261	61	23.4	919	193	21.0
	1930	8,811	1,298	14.7	247	47	19.0	886	179	20.2
	1931	8,304	1,229	14.8	231	55	23.8	801	161	20.1
	1932	8,076	1,144	14.2	234	52	22.2	788	162	20.5
	1933	7,719	1,010	13.1	184	34	18.5	677	139	20.5
	1934	8,929	954	10.7	234	34	14.5	802	146	18.2
1935	9,339	882	9.4	211	30	14.2	774	120	15.5	
<i>Denmark :</i>	1927	68,024	7,516	11.0	1,598	190	11.9	5,675	866	15.2
	1928	68,516	7,561	11.0	1,636	208	12.7	5,537	873	15.8
	1929	65,297	7,033	10.8	1,619	221	13.6	5,413	804	14.8
	1930	66,303	7,096	10.7	1,588	196	12.3	5,301	797	15.0
	1931	64,266	6,887	10.7	1,574	156	9.9	5,232	739	14.1
	1932	64,650	6,824	10.6	1,523	184	12.1	4,673	668	14.3
	1933	62,780	6,417	10.2	1,663	195	11.7	4,245	582	13.7
	1934	65,116	5,995	9.2	1,705	187	11.0	4,194	505	12.0
1935	65,223	5,942	9.1	1,681	190	11.3	4,634	552	11.9	
1936	66,418	5,644	8.5	1,757	174	9.9	4,473	568	12.7	

Country	Year	Live births			Still births			Died under one year of age		
		Total	Illegitimate births		Total	Illegitimate births		Total	Illegitimate	
			Number	Rate per 100 live births		Number	Rate per 100 live births		Number	Rate per 100 deaths under one year of age
1	2	3	4	5	6	7	8	9	10	11
<i>Estonia :</i>	1927	19,705	—	—	366	46	12.6			
	1928	20,064	1,653	8.2	395	59	14.9			
	1929	19,110	1,588	8.3	367	42	11.4			
<i>Finland :</i>	1927	75,611	6,090	8.0	2,089	302	14.4	7,341	899	12.2
	1928	77,523	6,124	7.9	1,955	260	13.2	6,515	861	13.2
	1929	76,011	6,132	8.1	2,027	304	15.0	7,421	914	12.3
	1930	75,236	6,228	8.3	2,086	319	15.3	5,653	806	14.2
	1931	71,866	6,003	8.3	2,051	295	14.4	5,378	697	13.0
	1932	69,352	5,574	8.0	1,864	289	15.5	4,918	680	13.8
	1933	65,047	4,977	7.6	1,701	255	15.0	4,922	642	13.0
	1934	67,713	4,884	7.2	1,871	283	15.1	4,944	574	11.6
	1935	69,942	4,964	7.1	1,843	243	13.2	4,669	564	12.1
	1936	68,895	4,803	7.4	1,779	246	13.8	4,543	457	10.1
<i>France :</i>	1928	749,347	62,902	8.4	26,660	3,331	12.5	68,592	9,673	14.1
	1929	755,477	61,108	8.1	25,417	3,115	12.2	70,104	11,124	13.0
	1930	740,953	62,233	8.3	26,044	3,186	12.2	58,630	7,887	13.4
	1931	733,909	58,222	7.9	25,710	2,999	11.7	55,655	7,334	13.2
	1932	722,371	56,142	7.8	25,372	2,901	11.4	55,615	7,564	13.6

	1934	677,878	48,809	7.2	23,298	2,474	10.6	47,075	5,409	11.5
	1935	640,527	44,806	7.0	21,929	2,390	10.9	34,137	4,848	11.0
Algeria :										
	1927	19,177 ^a	1,284	6.7						
		141,727 ^b	835	0.6						
^a European population.	1928	19,255 ^a	1,253	6.5						
^b Mohammedan population.		149,107 ^b	605	0.4						
	1929	20,114 ^a	1,300	6.5						
		162,596 ^b	751	0.5						
	1930	21,622 ^a	1,318	6.1						
		177,728 ^b	764	0.4						
	1931	21,482 ^a	1,386	6.4						
		192,092 ^b	1,038	0.5						
	1932	21,991 ^a	1,517	6.9						
		191,554 ^b	1,042	0.5						
	1933	21,427 ^a	1,578	7.4						
		197,916 ^b	1,310	0.7						
	1934	20,284 ^a	1,350	6.6						
		195,573 ^b	1,154	0.6						
	1935	20,085 ^a	1,567	7.8						
		210,197 ^b	1,042	0.5						
French Protectorate of Morocco :										
	1927	6,474	157	2.4	154	14	9.1			
	1928	6,651	280	4.2	331	22	6.6			
	1929	7,141	162	2.3	194	13	6.7			
	1930	7,322	319	4.4	427	21	4.9			
	1931	7,337	315	4.3	410	11	2.7			
	1932	6,649	398	6.0	195	22	11.3			
	1933	6,863	315	4.6	123	11	8.9			

Country	Year	Live births			Still births			Died under one year of age		
		Total	Illegitimate births		Total	Illegitimate births		Total	Illegitimate	
			Number	Rate per 100 live births		Number	Rate per 100 live births		Number	Rate per 100 deaths under one year of age
1	2	3	4	5	6	7	8	9	10	11
<i>Germany :</i>	1927	1,178,892	143,515	12.2	38,834	6,723	17.3	114,366	21,240	18.6
^a These figures are approximate only.	1928	1,199,998	145,232	12.1	38,441	6,626	17.2	106,799	19,896	18.6
	1929	1,169,062	139,401	11.9	36,700	6,105	16.6	113,399	17,425	15.4
	1930	1,144,151	135,893	11.9	36,427	5,955	16.3	97,252	16,986	15.5
	1931	1,047,775	121,948	11.6	32,533	5,188	15.9	86,965	15,121	17.4
	1932	993,126	114,514	11.5	29,978	4,655	15.5	78,456	13,398	17.1
	1933	971,174	102,674	10.6	28,424	4,143	14.6	73,809	11,807	16.0
	1934	1,198,350	101,423	8.5	32,528	3,923	12.1	82,686	10,750	13.0
	1935 ^a	1,263,976	98,394	7.8	33,099	3,622	11.0	85,950	11,020	12.8
<i>Greece :</i>	1927	176,527	2,140	1.2	1,816	162	8.9			
	1928	189,250	2,224	1.2	1,911	117	6.1			
	1929	181,870	2,479	1.4	1,353	105	5.7			
	1930	199,565	2,502	1.2	1,881	88	4.7			
	1931	199,243	2,273	1.1	2,286	43	1.9			
	1932	185,523	2,446	1.3	2,054	55	2.7			
	1933	189,583	2,676	1.4	1,980	58	2.9			
	1934	208,929	2,638	1.3	2,107	46	2.2			
	1935	192,511	2,399	1.2	1,794	—	—			

	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937
These figures include still births.											
Hungary :											
These figures include still births.	1927	1928	1929	1930	1931	1932	1933	1934	1935		
	224,778	231,315	221,739	226,153	212,902	211,533	199,574	199,994	194,896		
	19,138	19,419	19,483	20,389	19,894	20,255	19,309	19,068	17,673		
	8.5	8.4	8.8	9.0	9.3	9.6	9.7	9.5	9.1		
Ireland :											
	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	
	59,176	58,280	58,358	57,086	56,240	57,364	57,897	58,266	58,115	56,488	
	1,788	1,853	1,863	1,925	1,819	2,004	2,030	1,946	1,908	1,813	
	3.0	3.2	3.2	3.4	3.2	3.5	3.5	3.3	3.3	3.2	
Italy :											
	1927	1928	1929	1930							
	1,093,772	1,072,316	1,037,700	1,092,878							
	52,161	54,244	54,337	54,695							
	4.8	5.1	5.2	5.0							
	41,899	39,730	38,239	39,886							
	3,109	2,606	2,600	2,505							
	7.4	6.5	6.8	6.3							
	—	—	129,469	115,283							

Country	Year	Live births			Still births			Died under one year of age		
		Total	Illegitimate births		Total	Illegitimate births		Total	Illegitimate	
			Number	Rate per 100 live births		Number	Rate per 100 live births		Number	Rate per 100 deaths under one year of age
1	2	3	4	5	6	7	8	9	10	11
<i>Italy (continued):</i> a Approximate figures. b These figures are provisional.	1931	1,026,197	52,304	5.1	36,336	2,547	7.0	115,866	7,584 ^a	6.5
	1932	991,015	51,886	5.2	34,881	2,234	6.4	109,011 ^a	7,315 ^a	6.7
	1933	995,979	51,057	5.1	35,292	2,348	6.6	99,597 ^a	6,688 ^a	6.7
	1934	992,966	50,196	5.0	34,373	2,232	6.5	98,303 ^a	6,374 ^a	7.0
	1935	996,708	47,371	4.7	33,849	2,051	6.1	100,667 ^a	6,205 ^a	6.2
	1936 ^b	994,906	45,370	4.6	—	—	—	—	—	—
<i>Japan :</i>	1927	2,060,737	143,987	7.0	116,922	23,472	20.1			
	1928	2,135,852	143,207	6.7	120,191	23,997	20.0			
	1929	2,077,026	138,088	6.6	116,971	22,929	19.6			
	1930	2,085,101	134,221	6.4	117,730	22,956	19.5			
	1931	2,102,784	132,922	6.3	116,509	22,945	20.0			
	1932	2,182,742	133,541	6.1	119,579	23,439	19.6			
	1933	2,121,253	129,062	6.1	114,138	22,708	19.9			
	1934	2,043,783	121,554	6.0	113,043	22,316	19.7			
	1935	2,190,704	125,170	5.7	115,593	22,514	19.5			
<i>Latvia :</i>	1927	41,610	3,278	7.9	574	110	19.2	3,082	—	—
	1928	39,126	3,060	7.8	534	95	17.8	3,769	552	14.9
	1929	35,673	2,848	8.0	484	97	20.0	3,807	460	12.1

	1930	37,835	3,107	8.2	590	134	22.5	3,407	458	13.4
	1931	36,972	3,300	8.9	611	127	20.8	3,191	427	13.4
	1932	37,366	3,561	9.5	534	104	19.5	3,336	530	15.9
	1933	34,576	3,225	9.3	587	112	19.1	2,640	401	15.2
	1934	33,383	2,958	8.9	544	95	17.5	3,174	417	13.1
	1935	34,419	3,156	9.2	593	115	19.4	2,714	390	14.4
	1936	35,468	3,377	9.5	517	102	19.7	2,842	412	14.5
<i>Lithuania :</i>	1927 ^a	—	4,022	—	—	—	—	—	—	—
^a The figures for the years 1927-1932 include still births.	1928 ^a	65,945	3,807	5.8	—	—	—	11,271	919	8.1
	1929 ^a	63,083	3,978	6.3	—	—	—	11,108	1,048	9.4
	1930 ^a	64,164	4,282	6.7	—	—	—	9,908	990	10.0
	1931 ^a	63,419	4,477	7.1	—	—	—	9,223	1,032	11.2
	1932 ^a	65,371	4,865	7.4	—	—	—	10,900	1,433	13.1
	1933	62,145	4,592	7.4	818	142	17.4	7,537	1,113	14.8
	1934	60,770	4,314	7.1	895	171	19.1	10,059	1,201	11.9
	1935	57,970	4,082	7.0	953	183	19.2	7,146	945	13.2
	1936	60,446	4,157	6.9	885	152	17.2	7,755	990	12.8
<i>Luxemburg :</i>	1927	5,865	271	4.6	198	12	6.0	578	56	9.7
	1928	6,114	315	5.1	221	22	9.9	529	65	12.3
	1929	6,210	324	5.2	209	14	6.7	754	77	10.2
	1930	6,377	316	4.9	232	16	6.9	577	53	9.2
	1931	5,988	269	4.5	222	22	10.0	511	43	8.4
	1932	5,295	250	4.7	199	25	12.6	508	46	9.0
	1933	4,895	171	3.5	168	21	12.5	442	37	8.4
	1934	4,665	153	3.3	176	11	6.2	361	18	5.0
	1935	4,523	164	3.6	167	14	8.4	343	32	9.2

Country	Year	Live births			Still births			Died under one year of age		
		Total	Illegitimate births		Total	Illegitimate births		Total	Illegitimate	
			Number	Rate per 100 live births		Number	Rate per 100 live births		Number	Rate per 100 deaths under one year of age
1	2	3	4	5	6	7	8	9	10	11
<i>Netherlands :</i> a Approximate figures.	1927	175,008	8,158	1.8	4,668	118	2.5	10,880	837	3.7
	1928	170,028	8,826	1.8	4,617	118	2.5	9,800	256	2.7
	1929	177,216	8,181	1.8	4,400	97	2.2	10,455	814	3.0
	1930	182,070	8,245	1.8	4,000	111	2.4	9,285	262	2.8
	1981	177,887	8,071	1.7	4,580	102	2.2	8,869	276	3.1
	1982	178,525	8,091	1.7	4,615	95	2.1	8,212	247	3.0
	1983	171,285	2,885	1.6	4,408	90	2.0	7,586	189	2.5
	1984	172,214	2,797	1.6	4,484	118	2.5	7,405	192	2.6
	1985	170,425	2,627	1.5	4,800	108	2.8	6,817	170	2.5
1986 a	171,166	2,588	1.5	4,416	88	2.0	—	—	—	
<i>Curaçao :</i> a The figures for the years 1931-1933 include still births.	1931 a	2,405	820	84.1						
	1932 a	2,757	807	82.5						
	1933 a	2,706	903	88.4						
	1984	8,022	980	82.7	156	67	42.0			
	1985	2,825	870	80.8	121	51	42.1			
<i>Surinam :</i> a These figures represent approximately two-thirds of the total native women from the British and Netherlands Indies	1981	4,166	3,249 a	78.0	242	206	85.1	822	256	79.5
	1982	4,186	3,288	77.8	226	182	80.5	886	287	85.4
	1983	4,582	3,567	78.7	219	179	81.7	816	260	82.8
	1984	4,474	3,518	78.5	224	171	76.8	886	206	88.1
	1985	4,800	3,777	78.6	278	281	84.6	277	245	88.4

whose marriages are not recognised by the laws of Surinam.	1986	4,586	8,516	77.5	223	100	85.2	202	225	77.1
	1987	4,524	8,558	78.6	197	150	76.1	274	238	86.9
<i>New Zealand :</i>	1927	27,881	1,387	5.0	878	51	5.8	1,080	77	7.1
	1928	27,200	1,383	5.1	839	48	5.7	984	56	5.7
	1929	26,747	1,327	5.0	870	42	4.8	912	72	7.9
	1930	26,797	1,371	5.1	865	65	7.5	924	47	5.1
	1931	26,622	1,815	4.9	809	43	5.3	856	60	7.0
	1932	24,884	1,262	5.1	746	43	5.8	777	54	6.9
	1933	24,334	1,119	4.6	722	40	5.5	770	42	5.4
	1934	24,322	1,161	4.8	687	54	7.9	781	41	5.2
	1935	23,965	1,046	4.4	738	47	6.4	778	53	6.9
	1936	24,837	1,126	4.5	732	44	6.0	769	50	6.5
	1937	26,014	1,210	4.7	761	34	4.5	812	41	5.0
<i>Norway :</i>	1927	50,175	8,451	6.8	1,225	119	9.7	2,544	255 ^a	10.0
^a Approximate figures.	1928	49,881	8,573	7.2	1,300	119	9.1	2,442	300 ^a	12.3
^b Provisional figures.	1929	48,372	8,459	7.1	1,298	119	9.2	2,681	300 ^a	11.4
	1930	47,844	8,397	7.1	1,274	113	8.9	2,184	271 ^a	12.4
	1931	45,989	8,208	7.0	1,238	120	9.7	2,180	247 ^a	11.6
	1932	45,451	8,260	7.2	1,140	106	9.3	2,128	363 ^a	17.0
	1933	42,114	2,970	7.0	1,118	114	10.2	2,008	243 ^a	12.1
	1934	41,833	2,844	6.8	1,006	88	8.7	1,645	191 ^a	11.6
	1935	41,321	2,773	6.7	1,034	96	9.8	1,827	213 ^a	11.7
	1936 ^a	42,842	2,651	6.8	—	—	—	—	—	—
<i>Panama :</i>	1932	18,172	9,339	70.9						
These figures include still births.	1933	18,444	9,432	70.5						
	1934	18,303	9,255	60.6						

Country	Year	Live births			Still births			Died under one year of age		
		Total	Illegitimate births		Total	Illegitimate births		Total	Illegitimate	
			Number	Rate per 100 live births		Number	Rate per 100 live births		Number	Rate per 100 deaths under one year of age
1	2	3	4	5	6	7	8	9	10	11
<i>Paraguay :</i>	1927	3,554	2,556	71.9						
These figures include still births.	1928	3,571	2,402	67.3						
	1929	3,635	2,554	70.3						
	1930	3,699	2,498	67.5						
	1931	3,671	2,462	67.1						
	1932	3,543	2,388	67.4						
	1933	3,450	2,294	66.5						
	1934	3,265	2,196	67.3						
<i>Poland :</i>	1931	950,000	57,000 ^b	6.0						
^a Averages for both years.	1932									
^b Children born of marriages such as the ritual marriages of Jews and not registered at the civil registry are considered illegitimate.										
<i>Portugal :</i>	1929	200,874	28,435	1.4	8,666	1,799	2.1			
	1930	202,520	29,409	1.4	8,631	1,788	2.1			
	1931	204,120	29,910	1.5	8,847	1,832	2.1			
	1932	208,062	30,312	1.4	9,185	1,798	1.9			

	1934	203,158	30,530	1.5	9,094	1,960	2.2			
	1935	203,943	31,094	1.5	9,174	1,904	2.1			
<i>Salvador :</i>	1927	00,845	35,521	58.4						
These figures	1928	65,431	38,390	58.7						
include still	1929	61,091	35,057	57.4						
births.	1930	66,402	38,957	58.7						
	1931	67,944	40,564	59.7						
	1932	61,133	35,972	58.8						
	1933	63,570	38,098	59.9						
<i>Sweden :</i>	1927	97,994	15,717	16.0	2,555	482	18.9	5,856	1,225	20.9
	1928	97,868	15,596	15.9	2,653	500	18.8	5,755	1,154	20.0
	1929	92,861	15,052	16.2	2,531	496	19.6	5,436	1,054	19.0
	1930	94,220	15,405	16.3	2,605	477	18.3	5,157	1,124	21.8
	1931	91,074	14,857	16.3	2,633	468	17.8	5,159	1,010	19.6
	1932	89,779	14,326	15.9	2,501	459	18.3	4,555	959	21.0
	1933	85,020	13,169	15.5	2,326	424	18.2	4,210	803	19.1
<i>Switzerland :</i>	1927	69,533	2,793	4.2	1,750	126	7.2	3,951	248	6.3
	1928	69,594	2,763	4.0	1,738	112	6.4	3,731	264	7.1
	1929	69,006	2,849	4.1	1,709	124	7.2	3,598	271	7.5
	1930	69,855	3,058	4.4	1,695	111	6.5	3,552	304	8.5
	1931	68,249	2,890	4.2	1,602	116	7.2	3,374	298	8.8
	1932	68,850	2,856	4.1	1,610	110	6.8	3,499	284	8.1
	1933	67,505	2,814	4.7	1,595	98	6.1	3,224	266	8.2
	1934	67,277	2,663	3.9	1,480	103	6.9	3,077	244	7.9
	1935	66,378	2,615	3.9	1,483	94	6.3	3,179	232	7.3
	1936	64,966	2,486	3.8	1,435	107	7.4	3,023	216	7.1

Country	Year	Live births			Still births			Died under one year of age		
		Total	Illegitimate births		Total	Illegitimate births		Total	Illegitimate	
			Number	Rate per 100 live births		Number	Rate per 100 live births		Number	Rate per 100 deaths under one year of age
1	2	3	4	5	6	7	8	9	10	11
<i>Uruguay :</i>	1927	42,845	12,087	28.7						
These figures include still births.	1928	44,632	12,063	27.0						
	1929	44,236	12,457	28.2						
	1930	—	—	—						
	1931	44,854	12,221	27.2						
	1932	44,036	12,568	28.5						
	1933	41,650	11,898	28.6						
<i>Venezuela :</i>	1932	89,901	50,211	55.8	663	402	60.6	12,220		
These figures include still births.	1933	89,739	50,507	56.3	744	436	58.6	14,581		
	1934	88,023	49,974	56.8	644	403	62.6	13,931		
	1935	91,836	53,709	58.5	651	424	65.1	12,629		
	1936	106,690	62,281	58.4	826	533	64.5	14,372		
	1937	114,977	68,436	59.5	1,262	873	69.2	15,508		
<i>Yugoslavia :</i>	1927	451,617	20,871	4.6	—	—	—			
	1928	437,523	21,051	4.8	—	—	—			
	1929	452,544	20,974	4.6	—	—	—			
	1930	489,173	24,129	4.9	5,644	546	9.7			
	1931	470,094	22,764	4.8	5,392	493	9.1			
	1932	465,778	23,725	5.1	5,010	488	9.7			
	1933	452,036	23,774	5.2	4,807	574	11.9			
	1934	459,808	24,126	5.2	4,820	458	9.5			

(b) INFANTILE MORTALITY RATE PER 100 LIVE BIRTHS AND THE PROPORTION OF INFANT MORTALITY RATE FOR ILLEGITIMATE CHILDREN

Country	Year	Legitimate children			Illegitimate children		
		Live births	Died under one year of age		Live births	Died under one year of age	
			Number	Rate per 100 live births		Number	Rate per 100 live births
1	2	3	4	5	6	7	8
<i>Austria :</i>	1927	91,808	10,321	11.2	30,603	4,661	15.2
	1928	90,182	9,345	10.4	30,157	4,339	14.4
	1929	86,572	8,524	9.8	28,734	4,019	14.0
	1930	85,389	4,821	5.6	30,440	3,763	12.4
	1931	80,995	7,435	9.2	28,594	3,540	12.4
	1932	77,572	7,376	9.5	27,608	3,546	12.8
	1933	99,120	6,142	6.2	—	2,937	—
	<i>Bulgaria :</i>	1927	180,942	30,078	16.6	2,412	518
1928		182,554	26,936	14.7	2,635	576	21.9
1929		170,837	22,435	13.1	2,580	546	21.2
1930		176,881	24,255	13.7	3,092	631	20.4
1931		167,897	25,958	15.5	3,283	782	23.8
1932		181,787	27,019	14.9	3,791	780	20.6
1933		169,837	24,521	14.4	4,271	857	20.1
1934		182,203	22,977	12.6	4,587	835	20.4
1935		156,855	23,964	15.3	4,096	812	19.8
1936		154,885	22,040	14.2	4,261	818	12.6

Country	Year	Legitimate children			Illegitimate children		
		Live births	Died under one year of age		Live births	Died under one year of age	
			Number	Rate per 100 live births		Number	Rate per 100 live births
1	2	3	4	5	6	7	8
<i>Danzig :</i>	1927	7,592	821	10.8	1,271	221	17.4
	1928	7,613	777	10.2	1,298	197	15.2
	1929	7,584	726	9.6	1,268	193	15.2
	1930	7,513	707	9.4	1,298	179	13.8
	1931	7,075	640	9.0	1,229	161	13.1
	1932	6,982	626	9.0	1,144	162	14.2
	1933	6,709	538	8.0	1,010	139	13.8
	1934	7,975	656	8.2	954	146	15.3
	1935	8,457	654	7.7	882	120	13.6
<i>Denmark :</i>	1927	60,508	4,809	7.9	7,516	866	11.2
	1928	60,955	4,664	7.7	7,561	873	11.5
	1929	58,264	4,609	7.9	7,033	804	11.4
	1930	59,207	4,507	7.6	7,096	794	11.2
	1931	57,379	4,493	7.8	6,887	739	10.7
	1932	57,826	4,005	6.9	6,824	668	9.8
	1933	56,363	3,663	6.5	6,417	582	9.1
	1934	59,121	3,689	6.2	5,995	505	8.4
	1935	59,281	4,082	6.9	5,942	552	9.3
1936	60,774	3,905	6.4	5,644	568	10.1	
<i>Finland :</i>	1927	60,521	6,442	9.3	6,090	809	14.8
	1928	71,300	5,454	7.6	6,124	867	14.1
			6,567	9.3		914	14.9

	1930	69,008	4,537	7.0	6,228		
	1931	65,868	4,681	7.1	6,003	697	11.6
	1932	63,778	4,238	6.6	5,574	680	10.4
	1933	60,070	4,280	7.1	4,977	642	12.9
	1934	62,829	4,370	6.9	4,884	574	11.7
	1935	64,978	4,105	6.3	4,964	564	11.4
	1936	64,092	4,086	6.4	4,803	457	9.5
<i>France :</i>	1928	687,645	58,919	8.6	62,902	9,673	15.4
	1929	668,952	58,980	8.8	61,108	11,124	18.2
	1930	687,720	50,743	7.4	62,233	7,887	12.7
	1931	675,687	48,321	7.1	58,222	7,334	12.6
	1932	666,229	48,051	7.2	56,142	7,546	13.4
	1933	627,875	44,836	7.1	50,825	5,936	11.7
	1934	629,069	41,669	6.6	48,809	5,406	11.1
	1935	595,721	39,289	6.6	44,806	4,848	10.8
<i>Germany :</i>	1927	1,035,377	100,431 ^a	9.7	143,515	21,240 ^a	14.8
	1928	1,054,766	93,874	8.9	145,232	19,896	13.7
	1929	1,029,661	99,877	9.7	139,401	17,425	14.5
	1930	1,008,258	85,701	8.5	135,893	16,986	12.5
	1931	925,827	76,843	8.3	121,948	15,121	12.4
	1932	878,612	69,410	7.9	114,514	13,398	11.7
	1933	868,500	66,006	7.6	102,674	11,807	11.5
	1934	1,036,927	71,547	6.9	101,423	10,750	10.6
	1935	1,168,582	79,463	6.8	98,394	11,020	11.2
<i>Italy :</i>	1931	973,853	100,453	11.3	52,304	7,584	14.5
	1932	939,123	103,303	11.0	51,886	7,315	14.1
	1933	944,922	94,492	10.0	51,057	6,688	13.1
	1934 ^a	942,770	93,334	9.9	50,196	6,374	12.7
	1935 ^a	949,337	95,883	10.1	47,371	6,205	13.1

^a These figures are approximate only.

^a These figures are approximate only.

Country	Year	Legitimate children			Illegitimate children		
		Live births	Died under one year of age		Live births	Died under one year of age	
			Number	Rate per 100 live births		Number	Rate per 100 live births
1	2	3	4	5	6	7	8
<i>Latvia :</i>	1928	36,066	3,217	8.9	3,060	552	18.0
	1929	32,825	3,347	10.2	2,848	460	16.1
	1930	34,728	2,949	8.5	3,107	458	14.7
	1931	33,672	2,764	8.2	3,300	427	12.9
	1932	33,805	2,806	8.3	3,561	530	14.9
	1933	31,351	2,239	7.1	3,225	401	12.4
	1934	30,425	2,757	9.1	2,958	417	14.1
	1935	31,263	2,324	7.4	3,156	390	12.3
	1936	32,091	2,430	7.6	3,377	412	12.2
<i>Lithuania :</i>	1933	57,553	6,424	11.2	4,592	1,113	24.2
	1934	56,456	8,858	15.7	4,314	1,201	27.8
	1935	53,888	6,201	11.5	4,082	945	23.1
	1936	56,289	6,765	12.0	4,157	990	23.8
<i>Luxemburg :</i>	1927	5,594	522	9.3	271	65	24.0
	1928	5,799	464	8.0	315	65	20.6
	1929	5,886	677	11.5	324	77	23.8
	1930	6,061	524	8.6	316	53	16.8
	1931	5,719	468	8.2	269	43	16.0
	1932	5,045	462	9.1	250	46	18.4
	1933	4,724	405	8.6	171	37	21.6
	1934	4,512	343	7.6	153	18	11.8
	1935	4,359	316	7.2	164	32	19.5

<i>Netherlands :</i>	1927	171,040	9,093 ^a	5.9	3,158	387 ^a	10.7
^a These figures are approximate only.	1928	178,702	9,053	5.2	3,320	250	7.7
	1929	174,035	10,141	5.9	3,181	314	9.9
	1930	178,825	9,023	5.1	3,245	262	8.1
	1931	174,316	6,593	5.0	3,071	276	9.0
	1932	175,434	7,965	4.6	3,091	247	8.0
	1933	168,450	7,347	4.4	2,835	189	6.7
	1934	169,417	7,213	4.3	2,797	192	6.6
	1935	167,798	6,647	4.0	2,627	170	6.5
	1936	168,578	6,574	3.9	2,588	—	—
Surinam :	1931	917	66	7.2	3,249	256	7.9
	1932	948	49	5.2	3,238	287	8.9
	1933	965	56	5.8	3,567	260	7.3
	1934	961	40	4.2	3,513	296	8.4
	1935	1,029	32	3.1	3,777	245	6.5
	1936	1,020	67	6.6	3,516	225	6.4
	1937	966	36	3.7	3,558	238	6.7
New Zealand :	1927	26,494	1,003	3.8	1,387	77	5.5
	1928	25,817	928	3.6	1,383	56	4.0
	1929	25,420	840	3.3	1,327	72	5.4
	1930	25,426	877	3.4	1,371	47	3.4
	1931	25,307	796	3.1	1,315	60	4.6
	1932	23,622	723	3.1	1,262	54	4.3
	1933	23,215	728	3.1	1,119	42	3.7
	1934	23,161	740	3.2	1,161	41	3.5
	1935	22,919	720	3.1	1,046	53	5.1
	1936	23,711	719	3.0	1,126	50	4.4
	1937	24,804	771	3.1	1,210	41	3.4

Country	Year	Legitimate children			Illegitimate children		
		Live births	Died under one year of age		Live births	Died under one year of age	
			Number	Rate per 100 live births		Number	Rate per 100 live births
1	2	3	4	5	6	7	8
<i>Norway :</i>	1927	46,724	2,289	4.9	3,451	255	7.4
	1928	46,308	2,142	4.6	3,573	300	8.4
	1929	44,913	2,331	5.2	3,459	300	8.7
	1930	44,447	1,913	4.3	3,397	271	8.0
	1931	42,781	1,883	4.4	3,208	247	7.7
	1932	42,191	1,765	4.2	3,260	363	8.0
	1933	39,140	1,760	4.5	2,970	243	8.2
	1934	38,989	1,454	3.7	2,844	191	6.7
	1935	38,548	1,614	4.2	2,773	213	7.7
	<i>Scotland :</i>	1936	83,184	6,627	8.0	5,744	688
1937		82,406	6,393	7.8	5,404	657	12.2
<i>Sweden :</i>	1927	82,277	5,088 ^a	6.2	15,717	1,225	7.8
	1928	82,272	5,031	6.1	15,596	1,154	7.4
	1929	77,809	4,786	6.1	15,052	1,054	7.0
	1930	78,815	4,470	5.7	15,405	1,124	7.3
	1931	76,217	4,540	5.9	14,857	1,010	6.8
	1932	75,453	3,954	5.2	14,326	959	6.7
			3,692	5.1	13,169	803	6.1

^a These figures are approximate only.

Year	1933	71,854					
1928	66,831	3,467	5.2	2,703	264	9.5	
1929	66,157	3,327	5.0	2,840	271	9.5	
1930	66,707	3,248	4.9	3,058	304	10.0	
1931	65,359	3,076	4.7	2,890	298	10.3	
1932	65,994	3,415	5.2	2,856	284	9.9	
1933	64,691	2,958	4.6	2,814	266	9.4	
1934	64,614	2,833	4.4	2,663	244	9.2	
1935	63,763	2,947	4.6	2,615	232	8.9	
1936	62,480	2,807	4.5	2,486	216	8.7	

(c) ACKNOWLEDGMENT AND LEGITIMATION OF ILLEGITIMATE CHILDREN

Country	Year	Illegitimate births	Acknowledgment			Legitimation		
			Total	On registration	After registration	Total	By subsequent marriage	By rescript
1	2	3	4	5	6	7	8	9
<i>Australia :</i>	1927	6,289				1,100		
	1928	6,331				1,069		
	1929	6,088				891		
	1930	5,935				810		
	1931	5,841				815		
	1932	5,300				792		
	1933	5,239				831		
	1934	4,929				833		

(c) ACKNOWLEDGMENT AND LEGITIMATION OF ILLEGITIMATE CHILDREN (continued).

Country	Year	Illegitimate births	Acknowledgment			Legitimation		
			Total	On registration	After registration	Total	By subsequent marriage	By rescript
1	2	3	4	5	6	7	8	9
<i>Austria :</i>	1927	30,603				7,674	7,633	41
	1928	30,157				7,781	7,739	42
	1929	28,734				8,334	8,283	51
	1930	30,440				8,434	8,380	54
	1931	28,594				8,513	8,473	40
	1932	27,608				8,002	7,961	41
	1933	—				7,399	7,356	43
	1934	—				7,793	7,761	32
	1935	—				8,608	8,582	26
<i>Belgium :</i>	1927	6,555	3,891	1,885	2,506	4,628	4,628	
	1928	6,441	4,266	1,381	2,885	4,541	4,541	
	1929	6,175	3,978	1,240	2,738	4,257	4,257	
	1930	6,111	4,074	1,220	2,854	4,103	4,103	
	1931	5,511	5,390	1,134	4,256	3,768	3,768	
	1932	5,133	4,572	1,060	3,512	3,599	3,599	
	1933	4,274	4,207	788	3,419	3,184	3,184	
	1934	3,901	3,253	708	2,945	2,912	2,912	
	1935	3,726	3,376	612	2,764	3,068	3,068	
<i>Curaçao :</i>	1931	820	—			186		
	1932	897	—			170		
	1933	903	445			128		
	1934	989	1,291			237		
	1935	870	871			331		

	1929	1,588			183
<i>France :</i>	1928	66,282		12,389	
<i>a Still births.</i>				134 ^a	
	1929	64,223		12,256	
				132 ^a	
	1930	65,419		12,190	
				151 ^a	
	1931	61,221		11,289	
				111 ^a	
	1932	59,043		9,256	
	1933	53,411		9,489	
	1934	51,283		8,871	
	1935	47,196	7,815		
				—	
<i>Italy :</i>	1927	52,161		40,905	
<i>a Provisional figures.</i>	1928	54,244		42,920	
	1929	54,337		42,984	
	1930	54,695		42,516	
	1931	52,304		40,298	
	1932	51,886		39,120 ^a	
<i>Luxemburg :</i>	1927	271			130
	1928	315			123
	1929	324			122
	1930	316			142
	1931	269			140
	1932	250			110

(c) ACKNOWLEDGMENT AND LEGITIMATION OF ILLEGITIMATE CHILDREN (continued).

Country	Year	Illegitimate births	Acknowledgment			Legitimation		
			Total	On registration	After registration	Total	By subsequent marriage	By rescript
1	2	3	4	5	6	7	8	9
<i>Luxemburg (contd.) :</i>	1933	171					83	
	1934	153					91	
	1935	164					77	
<i>New Zealand :¹</i>	1927	1,387				312	312	
	1928	1,383				349	349	
	1929	1,327				327	327	
	1930	1,371				345	345	
	1931	1,315				384	384	
	1932	1,262				331	331	
	1933	1,119				404	404	
	1934	1,161				378	378	
	1935	1,046				339	339	
	1936	1,126				412	412	
	1937	1,210				436	436	
<i>Panama :</i>	1934	9,255		6,816				
<i>Surinam :</i>	1931	3,249	1,341	299	1,042			
			(193 ^a) (767 ^b) (381 ^c)					
	1932	3,238	1,635 (308 ^a)	275	1,360			

^a By the father.
^b By the mother.
^c By both parents.

	1933	3,567	(594 c) 1,346	323	1,023	
			(321 a)			
			(719 b)			
			(306 c)			
	1934	3,513	1,494	314	1,180	
			(329 a)			
			(788 b)			
			(377 c)			
	1935	3,777	1,702	345	1,357	
			(385 a)			
			(943 b)			
			(374 c)			
	1936	3,516	1,552	329	1,223	
			(330 a)			
			(864 b)			
			(358 c)			
	1937	3,558	1,735	305	1,430	
			(398 a)			
			(933 b)			
			(404 c)			
<i>Switzerland :</i>	1927	2,793	—			822
	1928	2,763	—			861
	1929	2,849	—			848

¹ The father of an illegitimate child may and sometimes does acknowledge the child on registration, in which case the father, as well as the mother, must sign the registration application. No statistics are compiled of such acknowledgments.

There is an additional process which gives the effect of an acknowledgment—viz., procedure under Section 15 of the Destitute Persons Act, 1910. In this case, a magistrate makes an affiliation order after the birth of a child—or a maintenance order in pursuance of an affiliation order made before the birth of a child—giving notice of birth to the Registrar, who thereupon registers as the father the person nominated in the order.

(c) ACKNOWLEDGMENT AND LEGITIMATION OF ILLEGITIMATE CHILDREN (continued).

Country	Year	Illegitimate births	Acknowledgment			Legitimation		
			Total	On registration	After registration	Total	By subsequent marriage	By rescript
1	2	3	4	5	6	7	8	9
<i>Switzerland (contd.) :</i>	1980	3,058	—			933		
	1981	2,890	585			902		
	1982	2,856	637			933		
	1983	2,814	604			815		
	1984	2,663	549			779		
	1985	2,615	544			761		
	1986	2,486	544			724		
<i>Uruguay :</i>	1927	12,087	1,802			1,327		
	1928	12,063	1,459			1,849		
	1929	12,457	1,316			2,715		
	1930	—	—			—		
	1931	12,221	1,433			1,937		
	1982	12,568	1,233			1,778		
	1983	11,898	1,380			1,802		

ANNEX 2

LIST OF THE PRINCIPAL NATIONAL LAWS
ON ILLEGITIMATE CHILDREN

United States of America

- Alabama*.—Code 1907 : sections 711 (as amended by Laws, 1911, page 116), 3760-3761, 3807, 4877-4878, 4880, 5199-5201, 6364-6388;
Laws, 1915 : sections 1-111.
- Alaska*.—Compiled Laws, 1913 : sections 438, 446, 597-598, 2005-2006;
Laws, 1913 : chapter 35, section 2;
Laws, 1915 : chapter 12, sections 1-3;
Laws, 1917 : chapter 56, sections 12-14.
- Arizona*.—Revised Statutes, 1913, Civil Code : sections 1103-1104, 1118, 1198, 3838, 3840, 3864 (as amended by Laws, 1917 : chapter 54), 4418;
Revised Statutes, 1913, Penal Code : sections 249, 251, 369-381.
- Arkansas*.—Kirby and Castle's Digest, 1916 : sections 587-600, 1493 (Constitution, Article 7, section 28), 1568, 1583, 1589-1590, 1650-1651, 1907-1908, 2852-2854, 2887, 4155, 6083, 6085, 6095-6096, 6098, 6105.
- California*.—Deering's Civil Code, 1915 : sections 59, 84, 138-140, 144-145, 193-195, 196-196^a, 200, 215, 224 (as amended by Laws, 1917 : chapter 558), 230, 241, 265, 1387-1388;
Deering's Code of Civil Procedure, 1915 : sections 1962⁽⁵⁾, 1963⁽³¹⁾;
Deering's Penal Code, 1915 : sections 270 (as amended by Laws, 1917 : chapter 168), 270^b, 270^d, 271, 271^a, 273^h;
Deering's Political Code, 1915 : section 2290.
- Colombia* (District of).—Code of Law, 1911 : sections 387, 957, 958, 972-974.
34 U.S. Statutes at Large, page 86; chapter 1131, sections 1-3 (Code, 1911, page 417). 34 U.S. Statutes at Large, page 1010; chapter 2280, section 1. 37 U.S. Statutes at Large, page 134; chapter 171, sections 1-8.
- Colorado*.—Revised Statutes, 1908 : sections 134, 353-358, 384, 558 (as amended by Laws, 1913), 1641, 1769-1770, 2112 (superseded by Laws, 1915 : chapter 74, and 1917 : chapter 65), 4163, 4164, 7046, 7049;
Laws, 1911 : chapter 179, sections 1-10;
Laws, 1915 : chapter 74, section 1 (superseded by Laws, 1917 : chapter 65).
- Connecticut*.—General Statutes, 1918 : sections 1795, 4863, 5061, 5289-5293, 6006-6015, 6160, 6389-6390, 6416.

Delaware.—Revised Code, 1915 : sections 546, 808, 3029-3030, 3034-3046, 3072-3076, 3077 (as amended by Laws, 1917 : chapter 228), 3078-3088 (as added by Laws, 1917 : chapter 229), 3102, 3112, 3269, 3804, 3992, 4001-4003, 4237, 4466.

Florida.—General Statutes, 1906 : Sections 1929, 2292, 2579, 2586, 2598-2602, 3218-3219;

Laws, 1913 : chapter 6483, section 1;

Laws, 1915 : chapter 6892, section 14.

Georgia.—Park's Annotated Code, 1914 (Political) : sections 1676 (bb);

Park's Annotated Code, 1914 (Civil) : sections 2180, 2184, 2935, 2963, 3012-3018, 3026-3030, 3045;

Park's Annotated Code, 1914 (Penal) : sections 79, 369, 379, 682, 1330-1336.

Hawaii.—Revised Laws, 1915 : sections 1133 (as amended by Laws, 1915 : act 48, section 1142), 2272-2273, 2478, 2922-2923, 2940-2941, 2970 (as amended by Laws, 1915 : act 100), 2971, 2995, 2996, 3005-3015, 3070-3071, 3248-3249, 4164.

Laws, 1915 : act 221, section 10 (as amended by Laws, 1917 : act 227).

Idaho.—Revised Codes, 1908 : sections 2615, 2642, 2669, 2699, 2703, 2709, 5703-5704, 5781, 6781-6782 (as amended by Laws, 1915 : chapter 83);

Laws, 1911 : chapter 191, section 14;

Laws, 1917 : chapter 81, section 14.

Illinois.—Hurd's Revised Statutes, 1917 : chapter 4, sections 2, 9^a-9^c; chapter 9, section 2; chapter 17, sections 1-17; chapter 23, sections 172-173, 183; chapter 33, section 44; chapter 39, sections 2-3; chapter 40, section 3; chapter 58, sections 1-3; chapter 68, sections 27-37 (24-26 replaced); chapter 89, sections 1-4, 18; chapter 111 1/2, section 31.

Indiana.—Burns' Annotated Statutes, 1914 : sections 1013-1034, 1060-1064, 1382⁽¹⁰⁾, 2635-2635^a (as amended by Laws, 1915, chapter 179), 2635^b, 2993, 3000, 3002, 3678^a-3678^a, 3377-3380, 9745 (Article 3);

Laws, 1915 : chapter 106, section 88.

Iowa.—Code, 1897 : sections 2216, 2224⁽⁵⁾, 2250, 3150, 3175, 3185-3186, 3251, 3260^c (Supplement, 1913), 3384-3385, 5629-5636;

Laws, 1917 : chapter 326, section 6.

Kansas.—General Statutes, 1915 : sections 3410-3416, 3844-3847, 5117-5138, 6185, 6821 (Article 3), 7585.

Kentucky.—Statutes, 1915 : sections 166-181, 331^a, 1220, 1397-1398, 1399^a-1399^b, 2062^a-14, 2095, 2098-2099;

Laws, 1916 : chapter 6, sections 1-3; chapter 33, section 14.

Louisiana.—Marr's Annotated Revised Statutes, 1915 : sections 3977 (as amended by Laws, 1918, No. 38), 4142-4143, 4453-4454;

Merrick's Revised Civil Code, 1912 : Articles 27, 94-95, 178, 180-214, 238, 239-245, 256, 261, 917-920, 933, 940, 954, 1483-1488, 3556⁽⁸⁾;

Laws, 1918, No. 257 : section 14.

Maine.—Revised Statutes, 1916 : chapter 20, section 1; chapter 64, section 58 (as amended by Laws, 1917 : chapter 176); chapter 65, sections 13, 16-17; chapter 72, section 36; chapter 80, section 3; chapter 85, section 59; chapter 102, sections 1-6, 7 (as amended by Laws, 1917; chapter 84; 8-9; 10, as amended by Laws, 1917 : chapter 153; 11); chapter 120, sections 38-41; chapter 126, section 8;

Laws, 1917 : chapter 149, sections 1-4.

Maryland.—Annotated Code, volume 1 (1911) : Article 6, section 11; chapter 46, sections 29-30; volume 2 (1911), Article 93, section 134; volume 3 (1914); Article 12, sections 1-12; Article 27, sections 484-488 (as added by Laws, 1916; chapter 210).

Massachusetts.—Revised Laws, 1902 : chapter 29, section 1 (as amended by Laws, 1910 : chapter 322; 25); chapter 83, sections 13, 17-19; chapter 84, section 4 (as amended by Laws, 1909 : chapter 208); chapter 133, sections 3-5; chapter 151, sections 6, 12-13 (section 14 repealed), 15; chapter 152, section 22; chapter 154, section 2 (as amended by Laws, 1904 : chapter 302); chapter 212, sections 17-18;

Laws, 1902 : chapter 310, sections 1-2;

Laws 1911 : chapter 456, sections 1-4, 5-6 (as amended by Laws, 1918 : chapter 257, sections 453-454), 7, 8 (as amended by Laws, 1912 : chapter 310);

Laws, 1911 : chapter 669, section 1;

Laws, 1912 : chapter 280, section 2;

Laws, 1913 : chapter 563, sections 1-7, 8 (as amended by Laws, 1918, chapter 199);

Laws, 1913; chapter 763, sections 1-4;

Laws, 1917 : chapter 163 (as amended by Laws, 1918 : chapter 257, section 455).

Michigan.—Compiled Laws, 1915 : sections 2017, 5614, 7230, 7753-7763, 7789-7793, 11367, 11387-11392, 11418-11420, 11517, 11796-11798, 14139, 15469-15470, 15700.

Minnesota.—General Statutes, 1913 : sections 3214-3224 (as amended) and 3225^a-3225^b (as added by Laws, 1917 : chapter 210), 4651-4652 and 4661-4662 (as amended) and 4653^a and 4650^a-4660^b (as added by Laws, 1917, : chapter 220); 7105, 7153-7155 (as amended by Laws, 1917 : chapter 222); 7240-7241, 8666-8668 (as amended, and 8668 as added by Laws, 1917 : chapter 213); 8697 (as amended by Laws, 1917 : chapter 231); 8703^a (as added by Laws, 1917 : chapter 211);

Laws, 1917 : chapter 194, sections 2-5;
Laws, 1917 : chapter 212, sections 8-10;
Laws, 1917 : chapter 212, section 10;
Laws, 1917 : chapter 397, section 1.

Mississippi.—Code, 1906 : sections 268-283, 542 (as amended by Laws, 1910 : chapter 185), 721 (as amended by Laws, 1914 : chapter 214); 1655, 1670.

Missouri.—Revised Statutes, 1909 : sections 340-342, 344, 408 (as amended by Laws, 1913, page 92), 2370, 4470, 4495 (as amended by Laws, 1911, page 193); 6677, 8280, 8291;
Laws, 1917, page 151 : sections 1-10.

Montana.—Revised Codes, 1907 : sections 1769, 3611, 3638, 3683-3684, 3738-3741, 3745, 3760, 3764, 3770, 3778, 4821-4822, 8346 (as amended by Laws, 1917 : chapter 78), 9576-9583;
Laws 1911 : chapter 122, section 5;
Laws, 1915 : chapter 96, section 6P;
Laws, 1917 : chapter 77, sections 1-3;
Laws, 1917 : chapter 83, sections 1-7.
(This apparently supersedes Laws, 1915 : chapter 86.)

Nebraska.—Revised Statutes, 1913 : sections 357-364, 1250, 1273-1274, 1542, 1591-1594, 1608, 1616, 1620, 2748, 8614-8616, 8769;
Laws, 1915 : chapter 137, sections 1-4.

Nevada.—Revised Laws, 1912 : sections 731, 746, 739 (as amended by Laws, 1913 : chapter 133), 765-766, 2339, 2351, 2965, 5823, 5833, 6117-6118, 6450;
Laws, 1913; chapter 111, section 26 (as amended by Laws, 1917 : chapter 233);
Laws, 1913 : chapter 272, sections 1-2;
Laws, 1915 : chapter 131, sections 1, 2 (as amended by Laws, 1917) : chapter 11, 8-8.

New Hampshire.—Public Statutes, 1901 : chapter 83, section 1 (3^o); chapter 87, sections 1, 2 (Supplement, 1913, page 161), 3-12; chapter 174, sections 8, 18; chapter 175, section 7; chapter 181, section 2; chapter 196, sections 4 (Supplement, 1913, page 462), 5; chapter 204, section 4; chapter 278, section 14; Supplement 1913, page 163 (1911 : chapter 134, section 12); Supplement 1913, page 518 (1913 : chapter 57, section 1);
Laws, 1915 : chapter 132, sections 1-10.

New Jersey.—Compiled Statutes, 1910; volume 1, page 184 : sections 1-34; volume 2, page 1784 : section 118; page 1923 : section 13 (as amended by Laws, 1917 : chapters 139 and 246); page 2022 : section 1; volume 3, page 3374 : section 169 (as amended by Laws, 1918 : chapter 63); page 3981 : section 35; page 4004 : section 133; page 4012 : section 4 (superseded by Laws, 1911 : chapter 196, section 9);

Laws, 1911 : chapter 95, section 12 (as amended by Laws, 1914 : chapter 244);

Laws, 1911 : chapter 106, section 9 (as amended by Laws, 1912 : chapter 14);

Laws, 1912 : chapter 103, sections 1-3;

Laws, 1913 : chapter 331, sections 1-3;

Laws, 1914 : chapter 153, section 1;

Laws, 1915 : chapter 173, sections 1-3;

Laws, 1916 : chapter 45, section 1;

Laws, 1917 : chapter 61, sections 1-5.

New Mexico.—Statutes, 1915 : sections 13, 17, 1850 (as amended by Laws, 1915 : chapter 69; Statutes, 1915, Appendix, page 106), 1851, 1852, 1856, 2577, 3430, 3434;

Laws, 1917 : chapter 83, section 12, ^j and ^k.

New York.—Birdseye Consolidated Laws (2nd ed.), 1917, volume 2 : chapter 13, sections 89, 98; chapter 14, sections 5, 24, 86, 111, 113; volume 4 : chapter 30, section 4; volume 5 : chapter 40, sections 480, 481, 1843, 2461; volume 6 : chapter 42, sections 60-75; chapter 45, section 383; volume 7 : chapter 53, section 185; volume 8 : chapter 67, section 3; Parson's Code of Civil Procedure, 1918 : sections 1745, 1749, 1759-1760;

Bender's Code of Criminal Procedure, 1918 : sections 838-836.

North Carolina.—Pell's Revisal, 1908 : sections 136-137, 201, 252-264, 1333, item 4, 1556, Rule 9, Supplement, 1913 (as amended by Laws, 1913 : chapter 71); Rules 10 and 13; 1569, 1915-1919, 2083, Supplement 1913, page 2087 (as amended by Laws, 1917 : chapter 135); 8623, 5438^b (14), items 6 and 8, Supplement, 1913 (Laws, 1913 : chapter 109, section 14);

Laws, 1917 : chapter 59, sections 1-3; chapter 219, sections 1-2.

North Dakota.—Compiled Laws, 1913 : sections 447, 2501 (item 3), 4359, 4370, 4394-4395, 4420-4422, 4425, 4444, 4450, 4456, 5745-5746, 7935⁽⁵⁾, 7936⁽³¹⁾, 9595-9600, 9606, 10483-10500;

Laws, 1911 : chapter 177, sections 5-6, 17;

Laws, 1915 : chapter 183, sections 3, 8, 10-11;

Laws, 1915 : chapter 185, sections 1-8;

Laws, 1917 : chapter 70, sections 1-3.

Ohio.—General Code, 1910 : section 219 (items 5-6) (as amended by Laws, 1913, page 194), sections 8590-8591, 11987, 12110-12135, 13008-13017, 13018 (as amended by Laws, 1913, page 913), 13019 (as amended by Laws 1911, page 115), 13020-13021.

Oklahoma.—Revised Laws, 1910 : sections 1816 (as amended by Laws, 1917 : chapter 119), 2438, 2807, 3326, 3885, 4364-4367, 4369, 4388, 4399 (as amended by Laws, 1910-1911 : chapter 73), 4401-4406, 4407 (as amended by Laws, 1915 : chapter 91), 4408-4411, 4534, 4974, 8420-8421;

Laws, 1915 : chapter 149, sections 1-2;
Laws, 1917 : chapter 168, section 14⁽⁶⁾.

Oregon.—Lord's Oregon Laws, 1910 : section 798⁽⁶⁾, 799⁽³²⁾, 2080, 2088, 7026, 7059, 7099 (as amended by Laws, 1915 : chapter 31), 7351-7352;

Laws, 1913 : chapter 112, section 14 (as amended by Laws, 1917 : chapter 288);

Laws, 1913 : chapter 244, sections 1 (as amended by Laws, 1917 : chapter 136), 2-8;

Laws, 1915 : chapter 268, section 13 (as amended by Laws, 1917 : chapter 384);

Laws, 1917 : chapter 48, sections 1-14.

Pennsylvania.—Stewart's Purdon's Digest, 1700-1903, volume 1, page 901 : section 3; page 955 : sections 247-248; page 1247, section 32; volume 2, page 2004 : section 52 (in part repealed by Laws, 1917, No 192, pages 444-445), section 55; volume 3, page 2445 : section 31 (in part repealed by Laws, 1917, No. 192, pages 443-444); page 2446 : sections 32-33; page 3197 : section 4; page 3566 : section 60, Supplement 1905-1915; volume 5, page 5852 : sections 52-57 (Laws, 1907, No. 293, page 429); volume 6, page 7303 : section 20 (Laws, 1915, No. 402^a, page 900 : section 14);

Laws, 1917, No. 145 : sections 1-3; No 192 : sections 14-15, 27-28, 15^d; No. 290 : sections 1-6.

Porto Rico.—Revised Statutes and Codes, 1911 : sections 184, 231-233, 235, 405, 3250-3257, 3267, 3233-3290, 3292, 3389, 3309, 3386-3391, 4001, 4005-4009;

Laws, 1918, No. 10 : section 3.

Rhode Island.—General Laws, 1909 : chapter 92, section 1 (item 3); chapter 95; sections 1-3 (as amended by Laws, 1915 : chapter 1215), 6-8, 9 (as amended by Laws, 1915 : chapter 1215), 10-11, 12-14 (as amended by Laws, 1915 : chapter 1215), 15-18; chapter 243, sections 2-3; chapter 316, section 7; chapter 347, sections 10-11.

South Carolina.—Code, 1912 (Civil) : sections 973, 974, 1530 (item 3), 3454, 3562, 3575, 3756, 3798;

Code, 1912 (Criminal) : sections 691-695.

South Dakota.—Revised Codes, 1903 (Political) : section 2764 (item 3);

Revised Codes, 1903 (Civil) : sections 38, 63, 81-82, 107-109, 112, 131, 138, 144, 1096-1097;

Revised Codes, 1903 (Civil Procedure) : sections 807-816;

Revised Codes, 1903 (Penal) : sections 344, 794;

Laws, 1915 : chapter 119, sections 5-6, 23.

Tennessee.—Thompson's Shannon's Code, 1918 : sections 2707, 2708, 3118^a-51, 4166-4169 (4168 unconstitutional), 4179, 4198-4200, 4229, 4249^a-11, 4322, 4436^a-65^a-15, 5402, 5406-5408, 5412-5413, 6027⁽¹⁰⁾, 6069, 5412, 6040, 6931⁽¹⁾, 7332-7353.

Texas.—Revised Statutes, 1911 (Civil) : articles 2472-2473, 4614-4616, 4636;
Laws, 1913 : chapter 101, sections 1-7;
Laws, 1917 : chapter 120, section 9.

Utah.—Compiled Laws, 1917 : sections 13, 19, 380-395, 1400-44, 2966, 2968,
3960-3968, 5052, 6413-6414, 6428-6430, 8112-8115.

Vermont.—General Laws, 1917 : sections 2343-2351, 2417-2419, 3418-3419,
3536-3543, 3546, 3553, 3597, 3608-3632, 3636, 3732-3733, 3757, 3786,
3759, 6804-6805.

Virginia.—Code, 1904 : sections 2227, 2552-2554, Supplement, 1916,
page 845, sections 14, 20 (as amended by Laws, 1918 : chapter 58),
page 1030, section 1 (Laws, 1915 : chapter 114) (apparently superseded
by Laws, 1918 : chapter 416);
Laws, 1918 : chapter 416, sections 1-11;
Laws, 1918 : chapter 400, section 40.

Washington.—Remington's Codes and Statutes, 1915 : sections 1345-1346,
2452, 5435, 5933-1 to 5933-3, 6604-3 (as amended by Laws, 1917 :
chapter 120, section 1), 7155.

West Virginia.—Barnes' Code, 1916 : chapter 63, section 8; chapter 78,
section 5-7; chapter 80, sections 1-6;
Laws, 1915 : chapter 70, sections 4, 5 (as amended by Laws, 1917 :
chapter 63), 20;
Laws, 1917 : chapter 51, sections 1-9.

Wisconsin.—Statutes, 1917 : sections 750-2, 1022-30 (items 5 and 21),
1500 (item 3), 1530-1533, 1533^a-1533^b, 1533^m, 1534-1542, 1542^a-1542^b,
2273, 2274, 2339ⁿ-24 to 2339ⁿ-25, 4022, 4585-4586, 4587^o-1 to 4587^o-6,
4587^d.

Wyoming.—Compiled Statutes, 1910 : sections 2957, 3917, 3941-3944, 5731-
5733, 5739 (as amended by Laws, 1915 : chapter 143), 6371-6394;
Laws, 1915 : chapter 72, sections 1-6.

Argentine Republic

Civil Code of 1865 : Articles 77, 317, 333-342;
Law of October 8th, 1869, on nationality;
Law No. 10903, of September 29th, 1919;
Law No. 11357, of September 22nd, 1926, on the civil rights of women.

Australia

South Australia.—Act of December 3rd, 1936, to consolidate and amend the
Law relating to the registration of births and deaths and to the legi-
timation of children.

Austria

Civil Code of June 1st, 1811 : Articles 165, 166 (amendment of October 12th, 1914, and March 19th, 1916);
Law of February 4th, 1925, on the fulfilment of maintenance obligations;
Law of February 4th, 1919, on protection of children placed into families and illegitimate children.

Belgium

Civil Code of 30th Ventôse, Year XII;
French Civil Code, adopted by the Law of April 6th, 1908 : Articles 341-342^b;
Law of February 11th, 1920, regarding a particular category of natural children;
Law of February 25th, 1925;
Law of April 16th, 1935, on legitimation;
Law of March 7th, 1938, on the guardianship of natural children.

Bolivia

Civil Code of January 1st, 1831 (amended in 1882, 1887, 1890, 1911, 1912 and 1916).

Brazil

Civil Code of January 1st, 1916 : Articles 355-367.

United Kingdom of Great Britain and Northern Ireland

" Poor Law Act ", 1834;
" Poor Law Amendment Act ", 1844;
" Bastardy Laws Amendment Act ", August 10th, 1872;
" Bastardy Laws Amendment Act ", April 24th, 1873;
" Births and Deaths Registration Act ", 1874;
" Summary Jurisdiction Act ", 1881;
" Children Act ", 1908 : sections 12 and 38;
" Affiliation Orders Act ", July 31st, 1914, and 1918;
" Bastardy Act ", 1923;
" Adoption of Children Act ", 1926;
" Widows, Orphans and Old Age Contributory Pensions Act ", 1926;
" Legitimacy Act ", December 5th, 1926;
" Bastardy (Witness Process) Act ", 1929;
" Illegitimate Children (Scotland) Act ", 1930;
" Poor Law Act ", March 20th, 1930;
" Children Act ", 1933;
" National Health Insurance Act ".

Bulgaria

Law of December 17th, 1889, on the acknowledgment of illegitimate children;
Law of December 13th, 1907, on persons.

Chile

Civil Code of December 14th, 1855 : Articles 250-293;
Code of Civil Procedure of 1902 : Articles 239-248.

China

Civil Code of 1930 : Articles 58-59, 1061-1069, 1091;
Law of February 5th, 1929, on nationality : Articles 1-2, 8, 10;
Law of July 1st, 1934, on Civil Status.

Colombia

Civil Code of May 25th, 1873;
Law No. 153 of August 24th, 1887;
Law No. 95 of December 9th, 1890.

Costa Rica

Civil Code of January 1st, 1888 (amended August 14th, 1931);
Report to Congress dated June 30th, 1936, by the Legislative Committee,
on a draft law to extend the scope of affiliation proceedings. *Gaceta* 58 :
1211-1213, July 5th, 1936.

Cuba

Spanish Civil Code of 1888 : chapter IV, Articles 129-153, 211, 840-847.

Czecho-Slovakia

Law of June 30th, 1921;
Decree of March 14th, 1930, on measures relating to the supervision of
children boarded out in families, and illegitimate children.

Danzig

Law of July 8th, 1927, on child welfare.

Denmark

Law of Christian V, of April 15th, 1688, on illegitimate children;
Law of April 22nd, 1904, on changes of name;
Law of April 14th, 1905, on measures regarding delinquent children and
children in moral danger;

- Law of May 27th, 1908, on illegitimate children;
- Law of June 12th, 1922, on guardianship;
- Law of March 28th, 1923, supplemented by Decree of the Ministry of Justice dated December 31st, 1923, on the supervision of children placed in families;
- Law of April 18th, 1925, as supplemented by Circulars of the Ministry for Foreign Affairs dated October 10th, 1925, and October 10th, 1927, on nationality;
- Law of May 7th, 1937, on children born out of wedlock;
- Law of May 7th, 1937, on the fulfilment of maintenance obligations;
- Law No. 132 of May 20th, 1937, on the conditions for the acknowledgment and legitimation of natural children.

Ecuador

- Civil Code of 1869;
- Decree No. 221, of May 8th, 1936, amending Article 269 of the Civil Code on the acknowledgment of illegitimate children.

Egypt

- Mixed Civil Code : Articles 217-218.

Estonia

- Civil Code of 1935.

Finland

- Law of July 27th, 1922, on illegitimate children;
- Amendment of December 9th, 1927;
- Law of December 5th, 1929, on family relations in the international sphere.

France

- Civil Code : Articles 331-342;
- Civil Code, amendment of December 19th, 1912, to Article 40;
- Law of March 25th, 1896, on inheritance rights;
- Law of July 2nd, 1907, on guardianship;
- Law of December 30th, 1915, on legitimation;
- Circular of January 13th, 1916, on legitimation;
- Law of July 1st, 1922, relating to Article 333 of the Code;
- Law of February 7th, 1924, on marriage;
- Law of April 26th, 1924, on legitimation : Article 331;
- Law of August 10th, 1927, on nationality;
- Law of January 31st, 1928, on legitimation;
- Proposal of November 8th, 1934, for a law to establish the guardianship of children born out of wedlock. Parliamentary Documents, Senate, Annexes S.E.1934 : 865, Annex No. 567, February 7th, 1935;

Decree of October 30th, 1935, modifying Article 389 of the Civil Code and authorising the appointment by the court of a trustee to watch over the moral and material interests of natural children. *Journal officiel de la République française*, 67 : 11464-11465, October 31st, 1935.

Report dated January 23rd, 1936, by M. René Rucklin, Deputy, on behalf of the Committee on Civil and Criminal Legislation responsible for examining proposed laws, etc. Parliamentary Documents, Chamber, Annexes S.O.1936 : 108-105, Annex No. 6382, June 28th, 1936.

Germany

Civil Code of August 18th, 1896 : Articles 1705-1740;

Law of July 9th, 1922, on child welfare (*Reichsgesetz für Jugendwohlfahrt*);

Decree of May 13th, 1924, on civil procedure.

Greece

Decree of July 17th, 1926, on the position of illegitimate children.

Guatemala

Civil Code of September 1st, 1926 : Articles 251-274.

Haiti

Civil Code of March 27th, 1825 : Articles 293-313, 605-626.

Honduras

Civil Code of January 22nd, 1906 : Articles 205-208 and 276-295.

Hungary

Law No. XX, of 1887, on guardianship;

Laws Nos. XX and XXI, of 1894, on marriage;

Law No. LIV, of 1912, on civil procedure;

Ministerial Decree of November 28th, 1916, on the rights of illegitimate children;

Laws Nos. VIII, of 1925, and XXXIV, of 1930, on the simplification of civil procedure.

Iceland

Law of June 28rd, 1932, on child welfare.

India

"Court Criminal Procedure Act (Affiliation Order)" of 1898;

"Criminal Law Act" of 1913 : Section 488;

"Criminal Procedure Amendment Act", 1923.

Ireland

Affiliation Orders Act, 1930;
Legitimacy Act, 1931.

Italy

Civil Code of January 25th, 1865 (amended July 17th, 1919);
Law of March 8th, 1928, on the registration of the names of illegitimate children.

Japan

Civil Code of June 16th, 1890 (amended in 1901 and 1902);
Book IV, Chapter IV : Articles 820, 822-836;
- Book V, Chapter I : Article 970;
Law No. 13, of 1898, on persons.

Latvia

Law No. 122, of June 20th, 1928 : Articles 152-157, 166-169, 199 and 209;
Civil Code of January 28th, 1937 : Articles 146-161.

Lithuania

Law of July 11th, 1933 : Article 1382.

Luxemburg

French Civil Code : Article 340 (amended by the Law of June 11th, 1925).

Mexico (United States of)

Law of April 12th, 1917, on family law;
Draft Civil Code : Articles 360-389.

Monaco

Decrees of October 29th, 1884, and July 3rd, 1907, on the position of the illegitimate child.

Netherlands

Law of November 16th, 1909 (modifying the Civil Code) amended by law of May 16th, 1934.
Netherlands Indies.—Law of April 30th, 1847 : articles 280-289, amended by laws No. 108 of 1896 and No. 497 of 1917.
Curaçao and Surinam.—Civil Code of May 1st, 1869, modified by Government decrees.

New Zealand

Pensions Act, 1926;
Pensions Amendment Act, 1936;
Family Allowance Act, 1926.

Nicaragua

Civil Code of February 1st, 1904 : Articles 220-243;
Code of Civil Procedure : Article VI, § 2.

Nigeria

Ordinance No. 27, of October 17th, 1929, amending the laws on children born out of wedlock.

Norway

Law of June 6th, 1896, on child welfare (amended June 6th, 1930);
Law of April 10th, 1915, on illegitimate children (amended May 31st, 1919,
July 12th, 1920, July 6th, 1923, and July 19th, 1931);
Laws of April 2nd, 1917, and September 29th, 1921, on adoption.

Panama

Civil Code of August 22nd, 1916 (supplemented by the Law of March 13th,
1925) : Articles 171-186.

Paraguay

Argentine Civil Code, adopted by the Law of August 19th, 1876;
Code of Civil Procedure : Articles 536-542.

Peru

Civil Code of July 28th, 1852 : Articles 269-283.

Poland

Civil Code of the Kingdom of Poland, of 1825, and Law of September 3rd,
1902 (amended by the Law of May 26th, 1913), on the improvement
of the position of the illegitimate child (in force in the former Congress
Kingdom);
Law of December 3rd, 1902, supplementing the old Russian Civil Code by
the insertion of Articles 132 and 132a (in force in the former Russian
territory of Poland);
Law of December 1st, 1932, on civil procedure (in force throughout Poland);

The Austrian Civil Code, with the exception of certain articles abrogated by fresh provisions, is still in force in the former Austrian territory of Poland (Galicia).

Portugal

Law of December 25th, 1910, on child welfare (this law replaces the provisions of the Civil Code of July 1st, 1867);

Decree No. 18996 of November 1st, 1930.

Roumania

Civil Code of November 26th, 1864, amended by the Law of March 15th, 1906 (in force in the old Kingdom of Roumania and the former territory of Bukovina). In the new provinces (Transylvania and Bessarabia), the old Austrian Civil Code, the Hungarian civil law and the old Russian law, respectively, are still in force.

Salvador

Civil Code of November 20th, 1912.

Siam

Civil and Commercial Codes of 1935 : Articles 1449-1451, 1525-1529, 1536, 1538, and 1555-1557.

Spain

Spanish Civil Code of July 24th, 1889;

Constitution of the Spanish Republic, of December 1931 : Article 48.

Sweden

Law of July 14th, 1917, on illegitimate children; }
Law of July 14th, 1917, on adoption; } (amended on June
Law of July 14th, 1917, on maintenance obligations } 11th, 1920)
Law of May 26th, 1933, on blood tests in affiliation cases;
Law of May 23rd, 1924, on nationality;
Law of June 6th, 1924, on child welfare;
Law of June 27th, 1924, on guardianship.

Switzerland

Civil Code of December 10th, 1907, in force since January 11th, 1912;
Articles 302-327 and 461.

Turkey

Turkish Civil Code of February 17th, 1926.

Uruguay

Civil Code of April 14th, 1868 (amended in 1914, 1916 and 1920);
Children's Code (codigo del niño) of April 6th, 1936 : Articles 173-222.

Venezuela

Code of Civil Procedure of July 14th, 1916;
Civil Code of July 18th, 1922.

Yugoslavia

Serbian Civil Code of March 25th, 1844 (amended May 7th, 1868) :
Articles 136-148;
Law of April 23rd, 1855 (in force in the former territory of Montenegro);
The Austrian Civil Code is still in force in Dalmatia, Croatia and Slavonia;
Hungarian law is still in force in the Voivodina.
Moslem law has to some extent been superseded by Austrian law.¹

¹ In Bosnia-Herzegovina (see also Austria).

ANNEX 3—SELECTED BIBLIOGRAPHY

I. LIVRES

I. BOOKS

- ABBEY, C.: "Illegitimacy and Sex Perversion". *A Child Welfare Symposium*. W. H. Slingerland, New York, 1915.
- ABD EL FATTAH EL SAYED BEY: *De l'étendue des droits de la femme dans le mariage musulman et particulièrement en Egypte*. Thèse. Dijon, 1922.
- : *La situation de la femme mariée égyptienne après douze ans de réformes législatives*. Le Caire, 1932.
- : *La filiation en droit égyptien; étude théorique et pratique du droit musulman, de législation, de jurisprudence et de droit comparé*. P. Berthier, Dijon, 1932.
- ALARD: *De la condition et des droits des enfants naturels*. Paris, 1896.
- ALBINI: *Diritto agli alimenti spettanti ai figli adulterini ed incestuosi*. Naples, 1895.
- ALMASI, A.: *Ungarisches Privatrecht*. Berlin und Leipzig, 1922.
- AMIALE: « De la preuve de la paternité hors mariage. » *Etude de la législation*. Paris, 1885.
- ANDERS: *Grundriss des Familienrechts*. Leipzig, 1911.
- ANDREADES, A.: *La population anglaise avant, pendant et après la guerre*. 1922.
- ANTHONY, K.: *Feminism in Germany and Scandinavia*. New York, 1915.
- ARONOVICI, C.: *Unmarried Girls with Sex Experience*. Philadelphia, Pa. AUBBY & RAU: *Cours de droit civil français*. Paris, 1883.
- AUGÉE-DORLHAC: *De la condition juridique des enfants naturels dans le passé, dans le présent, dans l'avenir*.
- BABBITT, E. C.: *The Foundling Asylum and the Unmarried Mother*. American Association for the Study and Prevention of Infant Mortality, 1913.
- BAILEY, W. B.: *Modern Social Conditions* (a statistical study of birth, marriage, divorce, death, disease, suicide, immigration, etc., with special reference to the United States). The Century Co., New York, 1906.
- BAQUET: *Le droit de bâtardise*.
- BARKMANN, L.: „Die familienrechtliche Stellung unehelicher Kinder in Schweden“. *Uneheliche Kinder in den nordischen Ländern, usw.* Langensalza, 1925.
- BARLOW, T. W. N., M.D.: "Illegitimacy in Relation to Infant Mortality". *Medical Officer* (London), Vol. 15, page 235. June 17, 1916.
- BARONE: *Legittimazione per decreto-reale*. Milan, 1916.
- BARRET, KATE WALLER, M.D.: *Some Practical Suggestions on the Conduct of a Rescue Home*. National Florence Crittenton Mission, Washington, D.C.

- BARTHOUD : *Des enfants naturels simples en France et à l'étranger*. Montpellier, 1911.
- BAUDRY-LACANTINERIE : *Traité théorique et pratique de droit civil*, t. III. Paris, 1902.
- BENTZON : *Den danske Familieret*, 2^{me} édition. Copenhague, 1916.
- BERET : *Histoire et critique des règles sur la preuve de la filiation naturelle en droit français et étranger*. Paris, 1872.
- BERGMANN, DR. A. : *Internationales Ehe- und Kindschaftsrecht*. Band I : „Allgemeine Einführung, 1926“; Band II : „Ehe- und Kindschaftsrecht der europäischen Staaten, 1926“, und Band III : „Ehe- und Kindschaftsrecht in aussereuropäischen Staaten, 1928“. Verlag des Reichsbundes der Standesbeamten Deutschlands. Berlin.
- BERNARD, R. : *De la légitimation des enfants adultérins ou incestueux*. Rennes, 1918.
- BERTHOULLE, G. : *La légitimation*. Lyon, 1918.
- BIGEON : *De la légitimation par acte du souverain*. Paris, 1897.
- BLOQUEL : *Etude sur la recherche de la paternité dans l'ancien droit français et dans le Code civil, suivie de quelques indications sur la condition des enfants naturels dans les principaux Etats d'Europe et d'Amérique*. Paris, 1900.
- BLUME : *Voir sous* — *See under OPET.*
- BLUMENSTEIN : *Handbuch des schweizerischen Schuldbetreibungsrechtes*. Verlag K. J. Wyss, Bern, 1911.
- BOGOLEPOW, A. : *Die Rechtsstellung der Ausländer in Sowjetrussland*. H. Sack, Berlin, 1927.
- BOMMEZIJN, A. B. : *Het Onderzoek naar het Vaderschap*. Leiden, 1909.
- BONSDORFF, A. VON : *Uneheliche Kinder in den nordischen Ländern*. Langensalza, 1925.
- BOSNYNÁK, ZOLTÁN DÉ, & EDELSHEIM-GYULAI, CTE L. : *Le Droit de l'Enfant abandonné et le système hongrois de protection de l'enfance*. Imprimerie de la Société anonyme Athenæum, Budapest, 1909.
- BOUVET, H. : *Des enfants adultérins et incestueux*. Paris, 1912.
- BOWEN, LOUISE DE KOVEN : *A Study of Bastardy Cases; taken from the Court of Domestic Relations in Chicago*. Juvenile Protective Association of Chicago, 1914.
- BRANDENBURGSKI : „Grundprobleme des Ehe- u. Familienrechts in Sowjetrussland“. *Das neue Russland*, III (1926), S. 8 ff.
- BRANDIS : *Der Gesetzentwurf über das Unehelichenrecht und seine Probleme*. A. Metzner, Berlin, 1929.
- BRIAND, CH. : *Le dépeuplement de la France*. Paris, 1919.
- BRONETT : *Voir sous* — *See under GOLDBERG.*
- BRUN, F. : *La Recherche de la paternité*. Commentaire théorique et pratique de la loi du 16 novembre 1912. Suivi d'un Essai de législation comparée. Paris, 1913.
- BUCKLING : *Die Rechtsstellung der unehelichen Kinder im Mittelalter und in der heutigen Reformbewegung*. M. u. H. Marcus, Breslau, 1920.

- CAIRNS, A. : *Eversley's Law of the Domestic Relations*. Fourth edition, Sweet & Maxwell, Limited, 2 & 3, Chancery Lane, London, W.C.2, 1926.
- CHALOIN, M. : *La recherche de la paternité*. Thèse. Château-Thierry, Paris, 1900.
- CHANCERELLE, Y. : *La légitimation des enfants adultérins en droit civil français*. Paris, 1912.
- CHEPÉLIADES, M. G. : *De la condition des enfants naturels en droit romain*. Imp. des écoles, Paris, 1887.
- CHESSER, E. S. : *Woman, Marriage and Motherhood*. New York, 1913.
- CHEVALIER : *La recherche de la paternité naturelle en droit français*. Thèse. Paris, 1917.
- CHILDREN'S BUREAU
(United States Department of Labor)
Publication
- No. 16. STEVENSON, PH. D. M. : *Analysis and Tabular Summary of State Laws relating to Illegitimacy in the United States in Effect January 1, 1928, and the Text of Selected Laws*.
31. MAGNUSSON, L. : *Norwegian Laws concerning Illegitimate Children*.
42. FREUND, E. : *Illegitimacy Laws of the United States and Certain Foreign Countries : France, Germany and Switzerland*.
66. LUNDBERG, E. O. & LENROOT, K. : *Illegitimacy as a Child Welfare Problem*. Part 1 : "A Brief Treatment of the Prevalence and Significance of Birth out of Wedlock, Child's Status and the State's Responsibility for Care and Protection".
75. — : *Illegitimacy as a Child Welfare Problem*. Part 2 : "A Study of Original Records in the City of Boston and in the State of Massachusetts".
77. — : *Standards and Legal Protection of Children born out of Wedlock*. Report of regional Conferences, held under the auspices of the United States Children's Bureau and the Intercity Conference on Illegitimacy.
128. — : *Illegitimacy as a Child Welfare Problem*. Part 3 : "Methods of Care in Selected Urban and Rural Communities".
144. — : *Welfare of Infants of Illegitimate Birth in Baltimore*.
148. — : *Adoption Laws in United States*.
166. LUNDBERG, E. O. : *Children of Illegitimate Birth and Measures for their Protection*.
167. *A Study of Maternity Homes in Minnesota and Pennsylvania*.
190. DONAHUE, A. M. : *Children of Illegitimate Birth whose Mothers have kept their Custody*.
- COCHE : *Condition de l'enfant né hors mariage*. Paris, 1892.
- COLBY : *Voir sous — See under PUTTEE*.
- COLIN : *De la protection de la descendance illégitime au point de vue de la preuve de la filiation*. Paris, 1902.
- COLOBRA : *L'azione di Paternità naturale*. Naples, 1911.
- CORBEYON : *La situation faite à la mère et à l'enfant par le Code civil suisse*.

- COSACK : *Lehrbuch des deutschen bürgerlichen Rechts*. Iena, 1904.
- CRÉMIEU : *Des preuves de la filiation naturelle non reconnue*. Paris, 1907.
- CROME : *System des deutschen bürgerlichen Rechts*. Vol. IV. Tübingen, 1908.
- CURTI, A. : *Englands Privat- und Handelsrecht*. Berlin, 1927.
- : *Englands Zivilprozess*. Springer, Berlin, 1928.
- CURTI, E. : *Schweizerisches Zivilgesetzbuch mit Erläuterungen*. Verlag Schulthess, Zürich, 1911.
- CURTI-FORRER : *Commentaire du Code civil suisse* (traduit par Max-E. Porret). Neuchâtel, 1911.
- DALLOZ : *Code civil annoté*. Paris, 1900.
- : *Jurisprudence générale*. Paris, 1912.
- DECOPPET, G. : *L'enfant naturel et son père*. Lausanne, 1917.
- DERNBURG : *Das bürgerliche Recht des deutschen Reichs und Preussens*. Vol. IV. Halle, 1908.
- DIEFENBACH : *Voir sous — See under TOMFORDE*.
- DIENA, G. : *Principi di Diritto Internazionale*. Naples, 1910.
- DIMITESCO : *De la condition des enfants illégitimes en Roumanie*. Paris, 1922.
- DINGWALL-FORDYCE, A., M.D. : *The Illegitimate Baby in Peace and War*. Infants' Edinburgh Home, 5, Admiral Terrace, Edinburgh.
- DOMOLOMBE : *Traité de la paternité et de la filiation*. Paris, 1881.
- : *Cours de Code Napoléon*. Vol. V. : «De la paternité et de la filiation». Paris, 1884.
- DONAHUE, A. M. : *Voir sous — See under CHILDREN'S BUREAU*.
- DORAN, M. S., & REYNOLDS, B. C. : *The Selection of Foster-homes for Children*. New York School of Social Work, 1919.
- DOUXCHANTS, C. : *Des enfants naturels — Histoire, coutumes et législation depuis les temps les plus reculés*. Paris, 1901.
- DRAHMIS, A. : *The Criminal*. New York, 1900.
- DUFAY, P. A. : *Voir sous V. Statistiques — See under V. Statistics*.
- DULAC : *La loi belge du 6 avril 1908 sur la recherche de la paternité*. Thèse. Paris, 1913.
- DUPERRON, M^{me} : *De la recherche de la paternité naturelle*. Thèse. Montpellier, 1926.
- DUPRÉ LA TOUR : *De la recherche de la paternité en droit comparé et principalement en Suisse, en Angleterre et en Allemagne*. Paris, 1900.
- EDELSHEDM-GYULAI, CTE L. : *Voir sous — See under BOSNYNAK*.
- EGGER : *Das uneheliche Kind im schweizerischen Zivilgesetzbuch*.
- : *Das Familienrecht*.
- : *Der Rechtsschutz des Kindes im Entwurf des schweizerischen Zivilgesetzbuches*. Zürich, 1908.
- : *Das Familienrecht des schweizerischen Zivilgesetzbuches*. Zürich, 1914.
- EGGER, ESCHER usw. : *Kommentar zum schweizerischen Zivilgesetzbuch*. Band II. Verlag Schulthess, Zürich, 1911.

- EHRENZWEIG : *Die ausserehelichen Personenverhältnisse nach den österreichischen Zivil- und Strafgesetzen*. Entwürfen. Wien, 1910.
- ELLIS, HAYLOCK : *The Task of Social Hygiene*. Boston, 1914.
- ENDEMANN : *Lehrbuch des bürgerlichen Rechts*. Vol. II. Berlin, 1908.
- ENGEL, S., & ESSEX, L. R. : (*The*) *Elements of Child Protection*. (Translated from the German by Dr. Eden Paul.) 276 pp. Macmillan, New York, 1912.
- EPARDAUD, M. : *Des modes de légitimation des enfants naturels*. Poitiers, 1912.
- ESCHER : *Voir sous* — See under EGGER.
- ESPINOSA DE LOS MONTEROS, F. : *Die rechtliche Stellung der unehelichen Kinder nach dem deutschen bürgerlichen Gesetzbuch, und dem spanischen Código civil*. Jenaer Diss., 1909.
- ESSEX, L. R. : *Voir sous* — See under MANGOLD et aussi sous — and also under ENGEL.
- FIELD, A. W. : *Protection of Women and Children in Soviet Russia*. Dutton, New York, 1932.
- FILOMMI-GUELFI : *Sulla Ricerca della Paternità*. Florence, 1909.
- FINKELPEARL, MRS. H. : *The Problem of the Illegitimate Child*. A Child Welfare Symposium, edited by W. H. Slingerland.
- FISCHER-HENLE : *Bürgerliches Gesetzbuch*. München, 1909.
- FLEAGLE, F. K. : *Social Problems in Porto Rico*. D. C. Heath & Co., Publishers, Boston, New York, Chicago, 1917.
- FOLKS, H. : "The Boarding-out and Placing-out System", *The Care of Destitute, Neglected, and Delinquent Children*. Chap. VIII.
- FRANCHI, PROF. L. (della R. università di Pavia) : *Codici e leggi del Regno d'Italia ? Codice Civile*. Settima edizione, Ulrico Hoepli, Milano, 1921.
- FREUND, E. : *Voir sous* — See under CHILDREN'S BUREAU.
- FREUND, DR. H. : *Das Zivilrecht der Sowjetunion*. Band VI : „Die Zivilgesetzgebung der Gegenwart“. Verlag J. Bensheimer, Berlin, 1927.
- : *Das Zivilrecht in den Sowjetrepubliken*. Band I : 1. Familienrecht. Bensheimer, Mannheim, 1927.
- FRIEDLANDER, W., & MYERS, E. D. : *The Illegitimate Child : Child Welfare in Germany*. School of Social Service Administration, University of Chicago, Chap. V.
- FUCHS : *Rechtsvermutung der ehelichen Vaterschaft*. Berlin, 1880.
- FÜHRER, DR. JUR. I. : *Die Adoption, Legitimation und die Kindeserkennung im internationalen Rechte*. Hermann Beyer & Söhne (Beyer & Mann)-Langensalza, 1925.
- GALLIGHAN, C. : *Motherhood and Relationship of the Sexes*. New York, 1917.
- GALOPIN : *La filiation illégitime et la vraisemblance de paternité naturelle*. Bruxelles, 1909.
- GEIGER : *Das uneheliche Kind und seine Mutter im Recht des neuen Staats*. J. Schweitzer, München, Berlin-Leipzig, 1920.
- GETT : *Die Rechtsverhältnisse aus der ausserehelichen Geschlechtsgemeinschaft*. München, 1836.

- GIDE : *De la condition de l'enfant naturel et de la concubine dans la législation romaine*. Paris, 1880.
- GILLIN, J. L. : *Poverty and Dependency; their Relief and Prevention*. Revised edition. 886 pp. Century, New York, 1926.
- GIMMERTHAL : *Der menschliche Wille als Quelle aller obligatorischen Verbindlichkeiten und insbesondere dessen Bedeutung für die Ernährungspflicht des Kindes bei ausserhehlicher Schwängerung*. Arnstadt, 1902.
- GIRARD : *Droit romain*. 1906.
- GIRARDET, L.-A. : *La légitimation des enfants naturels*. Etude de droit civil comparé. Lausanne, 1914.
- GIRARDIN, E. DE : *La liberté dans le mariage par l'égalité des enfants devant la mère*. Paris, 1854.
- GIRAUD : *La vérité sur la recherche de la paternité*. Paris, 1888.
- GMÜR : *Kommentar zum schweizerischen Zivilgesetzbuch*. Band II. Familienrecht. Bern, 1917.
- : *Kommentar zum schweizerischen Zivilrecht*. Verlag Stämpfli, Bern. II. Teil. Das Familienrecht, 1. Abteilung: das Eherecht.
Voir aussi sous IIa — See also under IIa.
- GODDARD, H. H. : *Feeble-mindedness; its Causes and Consequences*. The Macmillan Company, New York, 1914.
- GOLDBERG & BRONETT : *Social Pathology*. 612 pp. Century, New York, 1933.
- GOODRICH : *Voir sous — See under THEIS*.
- GRAY (MRS.) E. : "Illegitimacy in Norway; the Castberg Laws." *Maternity and Child Welfare*, pp. 115-117. London, April 1923.
- GRÜBLER : *Die Vollstreckung ausländischer Urteile in der Zivilprozess der Schweiz*. Verlag J. Bensheimer, Mannheim, Berlin, Leipzig, 1923.
- GUÉRIN DE LITTEAU, M. : *De la condition juridique des enfants incestueux ou adultérins (Loi de 1907)*. Paris, 1913.
- GUILD, A. A. : *Baby Farms in Chicago; an Investigation made for the Juvenile Protective Association*. 1917.
- HACKENBURG : *Die Rechtsstellung des unehelichen Kindes*. Mannheim, 1895.
- HALÉWYCK : *La recherche de la paternité et la condition des enfants naturels en Allemagne*. Bruxelles, 1906.
- HALL, W. C. : *The State and the Child*. Headley Bros., Publishers, Ltd., London, 1917.
- : *The Law of Adoption and Guardianship of Infants with Special Reference to Courts of Summary Jurisdiction, together with the Legitimacy Act, 1926*. Butterworth Co., London, 1928.
- : *The State and the Child*. Headley Sons, London, 1917.
- HART, H. H. : *Preventive Treatment of Neglected Children*. Charities Publication Committee, Russell Sage Foundation, New York, 1910.
- : *The Registration of Illegitimate Births: a Preventive of Infant Mortality*. Department of Child-helping, Russell Sage Foundation, New York City, March 1916.

- HEATH, H. LL. : *The Infant, the Parent, and the State; a Social Study and Review*. P. S. King & Son, London, 1907.
- HERBATSCHKE : *Sammlung der Rechtshilfeverträge mit dem Ausland*. Gerichtshalle, 1926.
- HERMANN : *Die Zivilprozessordnung und die Jurisdiktionsnorm*. 7. Auflage, 1925.
- HERSCH, L. : *Hasards et régularité constante dans les phénomènes sociaux*. Faculté des sciences économiques et sociales, Université de Genève, Genève, 1916.
- HEYMANN, E. : *Das ungarische Privatrecht und der Rechtsausgleich mit Ungarn*. Tübingen, 1917.
- HOFFMAN, FR. : *Race Traits and Tendencies of the American Negro*. New York, 1896.
- HOOPER, W. : *The Law of Illegitimacy*. A treatise on the law affecting persons of illegitimate birth, with the rules of evidence in proof of legitimacy and illegitimacy; and an historical account of the bastard in mediæval law. Sweet & Maxwell, Ltd., London, 1911.
- HUBER : *System und Geschichte des schweizerischen Privatrechts*. Basel, 1886-1893.
- INAMA-STRNEGG : *Neue Probleme der Modernen Kultur*. Leipzig, 1908.
- JACOBSEN : *Voir sous — See under WIESNER*.
- JACQUINOT, E. : *De la filiation naturelle dans le droit intermédiaire*. Paris, 1918.
- JÄGER : *Das Bundesgesetz betr. Schuldbetreibung und Konkurs*. Verlag Orell Füssli, Zürich, 1911.
- JAWORSKI : *Zivilrecht der polnischen Länder*. Krakau, 1920.
- JENKS, ED. : *Digest of English Civil Law*. Second edition. London, 1921.
- JUVARA : *Les enfants naturels en droit international privé*. Paris, 1898.
- KAMMERER, P. G. : *The Unmarried Mother; a Study of Five Hundred Cases*. Introduction by Dr. William Healy. Little, Brown & Company, Boston, 1918.
- KAPPELER : *Das Recht der unehelichen Kinder nach französischem und badischem Recht und nach dem bürgerlichen Gesetzbuch*. Freiburg, 1898.
- KARPLUS : *Handbuch des englischen Privatrechts*. Leipzig, 1917.
- KAUFMANN : *Vormundschaft*.
- KELLER, DR. A., & KLUMKER, DR. CHR. J. : *Säuglingsfürsorge und Kinderschutz in den europäischen Staaten*. Verlag von Julius Springer, Berlin, 1912.
- KELLER, DR. A., & REICHER, DR. H. : *Die Fürsorge für uneheliche Kinder*. Leipzig und Wien, 1909.
- KELMAN-FREUND : *Die Juristische Literatur der Sowjet-Union*. R. L. Prager, Berlin, 1926.
- KENNEDY : *Voir sous — See under WOODS*.

- KIPP : *Zur Reform der Rechte der unehelichen Kinder*. Festgabe für Rudolf Stammeler zum 70. Geburtstage, S. 359 ff.
- KIRCHSTETTER : *Kommentar zum österreichischen allgemeinen bürgerlichen Gesetzbuch*. Leipzig und Wien, 1894.
- KLIBANSKI : *Handbuch des gesamten russischen Zivilrechts*. Verlag Decker, Berlin, 1917.
- KLUMKER, DR. CHR. J. : *Uneheliche Kinder in den nordischen Ländern und im deutschen Reiche*. Hermann Beyer & Söhne (Beyer & Mann), Langensalza, 1925.
Voir aussi sous — See also under KELLER.
- KRAINZ : *System des österreichischen allgemeinen Privatrechts*.
- KRAMER : *Die Staatsangehörigkeit der Altösterreicher und Ungarn nach den Friedensverträgen*. Wien, 1926.
- KUHLENBECK : *Von den Pandekten zum bürgerlichen Gesetzbuch*. III. Teil. Berlin, 1901.
- LANDSBERG : *Voir sous — See under TUGENDREICH*.
- LANGE, A. : *Die unehelichen Geburten in Baden*. Karlsruhe, 1912.
- LAURENT : *Principes de droit civil français*. Tome IV.
- LAVOLLÉE : *Code manuel de la recherche de la paternité*. Commentaire de la loi du 16 novembre 1912. Paris, 1913.
- LE BRUN, CH. : *De la condition juridique des enfants incestueux ou adultérins d'après le Code civil et la loi du 7 novembre 1907*. Paris, 1911.
- LEFFINGWELL, A., M.D. : *Illegitimacy and the Influence of Seasons upon Conduct*. Swan Sonnenschein & Co., London; Charles Scribner's Sons, New York, 1892.
- LENROOT, K. : *Voir sous — See under CHILDREN'S BUREAU*.
- LEPELLETIER, E. : *La légitimation d'après les lois nouvelles*. Paris, 1920.
- LÉVY, E. : *Traité pratique de la légitimation des enfants naturels simples, incestueux ou adultérins*. Préface de M. Albert Wahl. Librairie de la Société du Recueil Sirey. Paris, 1919.
- LHOSPÉD, H. : *Etude sur la recherche de la paternité en droit comparé*. Thèse. Paris, 1914.
- LINDER, F. : *Die unehelichen Geburten als Sozialphänomen*. Leipzig, 1900.
- LISZT, VON : *Die Pflichten des ausserehelichen Concubenten, ein Beitrag zur Revision des österreichischen allgemeinen bürgerlichen Gesetzbuches (B.-G.-B.), mit besonderer Berücksichtigung des B.-G.-B. für das deutsche Reich und des Entwurfes des schweizerischen Zivilgesetzbuches*. Leipzig und Wien, 1907.
- LOISEAU : *Traité des enfants naturels, adultérins, incestueux ou abandonnés*. Paris, 1811.
- LOCKE : *Die Stellung des unehelichen Kindes zu seinem Vater nach geltendem bürgerlichem Recht und seine Reform*; Greifswalder, Diss., 1919.
- LUNDBERG, E. O. : *Voir sous — See under CHILDREN'S BUREAU*.
- LUSHINGTON, G. : *The Law of Affiliation and Bastardy*. Fourth edition. Ed. Shaw & Sons, London, 1922.

- MACBOY, W. L. : *Law of Pennsylvania Relating to Illegitimacy*. Juvenile Criminal Law, Nov. 7, 1916.
- MAGNUSSON, L. : *Voir sous* — See under CHILDREN'S BUREAU.
- MAINE, J. H. S. : *Ancient Law*. Chapter I, II and V. London, 1906.
- MAKLEZOW, VON, TIMASCHEW, u.a. : *Das Recht Sowjetruslands*. J. C. B. Mohr, Tübingen, 1925.
- MAJZER, H. : *Das allgemeine bürgerliche Gesetzbuch für die Tschechoslowakischen Republik usw.*, 1928.
- MANGOLD, G. B., & ESSEX, L. R. : *Illegitimate Births in St. Louis*. Published by the Missouri School of Social Economy, 1914.
- MANGOLD, G. B. : *Problems of Child Welfare*. Revised Edition. Chapter XXIX. Macmillan, New York, 1924.
- : *Children born out of Wedlock*. University of Missouri, Columbia, Mo., 1921.
- MANTHEY : *Die Rechte des unehelichen Kindes und seiner Mutter, nach dem preussischen Recht im Gebiete des allg. Landrechts und dem bürgerlichen Gesetzbuch für das deutsche Reich*. Königsberg, 1897.
- MATHIEU DE VIENNE : *De la légitimation des enfants naturels en droit romain et en droit français*. Paris, 1877.
- MAYO-SMITH, R. : *Statistics and Sociology*. New York, 1904.
- MECKLIN, J. F. : *Democracy and Race Friction*. New York, 1914.
- MÉDECIN : *Etude historique sur la condition des enfants nés hors mariage*. Paris, 1879.
- MENTHA : *La recherche de la paternité, étude de droit civil fédéral*. Neuchâtel, 1885.
- Voir aussi sous* — See also under ROSSEL.
- MEUKEL, DR. L. : *Der zwischenstaatliche Rechtsverkehr in Zivil- und Strafsachen*. C. H. Beck'sche Verlagsbuchhandlung. München, 1929.
- MITTEIS, H. : *Bürgerliches Recht, Familienrecht*. Band I. Springer, Berlin, 1923.
- MOHR : *Die Vaterschaftsklage des schweizerischen Zivilgesetzbuches und ihre historische Grundlage*. Bern, 1912.
- : *Motive zu dem Entwurfe eines bürgerlichen Gesetzbuches für das deutsche Reich*. Berlin, 1888.
- MONTEROS, F. ESPINOSA DE LOS : *Die rechtliche Stellung der unehelichen Kinder nach dem deutschen bürgerlichen Gesetzbuch und den spanischen Código civil*. Borna, Leipzig, 1909.
- MOORE, H. : *The Care of Illegitimate Children in Chicago*. Juvenile Protective Association of Chicago, 1912.
- MUGDAN : *Die gesamten Materialien zum Bürgerlichen Gesetzbuch für das deutsche Reich*. Band IV. Berlin, 1899.
- MYERS : *Voir sous* — See under FRIEDLANDER.
- NAGORSKI : *Das Rechtsverhältnis des unehelichen Kindes zu seinem Erzeuger nach deutschem und französischem Recht in geschichtlicher und rechtsvergleichender Darstellung*. Zürich, 1908.
- NEUMANN : *Kommentar zu den österreichischen Zivilprozessgesetzen*. 4. Aufl. Wien, 1926.

- NEWSHOLME, A. : *Elements of Vital Statistics*. London, 1899.
- NIMS, EL. : *The Illinois Adoption Law and its Administration*. University of Chicago Press. 1928.
- NISOT, J. : *Les pupilles de la Nation en France d'après la loi du 27 juillet 1917*. 166 p. P. Dykmans, Bruxelles.
- NISOT, P. : *La filiation adoptive en droit comparé*. 176 p. Brian Hill, Bruxelles, 1926.
- NYREN, G. : *Schwedisches Familienrecht*. 2 Bände. Verlag Heymann, Berlin, 1927.
- OPET : *Das Verwandtschaftsrecht des bürgerlichen Gesetzbuches für das deutsche Reich*. Berlin, 1899.
- OPET & BLUME : *Kommentar zum bürgerlichen Gesetzbuch*. III. Teil. Berlin, 1906.
- PACIFICI-MAZZONI, EM. : *Institutioni di Diritto Civile Italiano*. 5^e édition. Vol. VII, Partie 2, Florence, 1924.
- PAGNIER, R. : *De la preuve de la filiation incestueuse ou adultérine*. Paris, 1911.
- PALZER, N. J. : *Handbook of Information on Non-support, Desertion and Illegitimacy*. Charity Organization Society, New York City.
- PAPILLIAN, C. : *La recherche de la paternité*. Etude de droit comparé. Thèse. Paris, 1913.
- PARR, R. J. : *Beyond the Law ; Some Facts on Illegitimacy in Ireland*. 40, Leicester Square, London, W.C., 1909.
- PEARSON, H. : *Adoption in Indiana*. Thesis. Indiana University, 1925.
- PEYER : *Die familienrechtliche Stellung der unehelichen Kinder im schweizerischen Privatrecht*. Zürich, 1907.
- PILET : *Der Rechtsgrund der Alimentationsverbindlichkeit des ausserehelichen Vaters mit besonderer Berücksichtigung der exceptio plurimum concumbentium*. Magdeburg, 1900.
- PITON, P. : *De la filiation des enfants adultérins ou incestueux et de leur légitimation*. Paris, 1902.
- PLANCK : *Bürgerliches Gesetzbuch nebst Einführungsgesetz*. Berlin, 1906.
- PLANIOL : *Traité élémentaire de droit civil*.
- POUDÈS, R. : *De la condition des enfants adultérins et incestueux*. Bordeaux, 1905.
- POUZOL : *La recherche de la paternité*. Etude critique de sociologie et de législation comparée. Paris, 1902.
- PRENGER, DR. G. : *Die Unehelichkeit im Königreich Sachsen*. Leipzig und Berlin, 1913.
- PRUNET, P. : *De la condition juridique de l'enfant adultérin*. Paris, 1912.
- PUCHTA : *Pandekten*.
- PURR, R. : *Illegitimacy in Ireland*. 40, Leicester Square, London, W.C.2.
- PUTTEE, D. F., & COLBY, M. R. : *The Illegitimate Child in Illinois*. Chicago, 1937.
- PUTZ, K. : *System des ungarischen Privatrechts*. Wien, 1870.

- QUETELET, A. : *Sur l'homme et le développement de ses facultés, ou Essais de physique sociale*. Paris, 1835.
- RAICOVICIANU : *La loi du 16 novembre 1912 et l'action en déclaration de paternité naturelle*. Paris, 1913.
- RAU : *Voir sous* — *See under* AUBRY.
- RAUHE, DR. C. : *Die unehelichen Geburten als Sozialphänomen*. Ein Beitrag zur Bevölkerungsstatistik Preussens. München, 1912.
- RAYMOND, A. : *De la légitimation des enfants incestueux ou adultérins*. Bordeaux, 1908.
- RAYMOND, J. : *La légitimation des enfants adultérins*. Paris, 1913.
- REED, R. : *The Illegitimate Family in New York City*. Columbia University Press, 1934.
- REININGHAUS : *Gerechtigkeit und wirksamen Rechtsschutzschaffe des schweizerischen Zivilgesetzbuches für die aussereheliche Mutter und ihr Kind*. Zürich, 1905.
- : *Verpflichtung des Staates, die aussereheliche Vaterschaft festzustellen*. Zürich, 1905.
- REYNOLDS, B. C. : *Voir sous* — *See under* DORAN, S.
- RICHMOND, M. E. : *Social Diagnosis*. Russell Sage Foundation, New York, 1917.
- RICHTER, D. W. : *Voir sous* — *See under* RISS.
- RIGAUD, L. : *La Recherche de la paternité*. Loi du 16 novembre 1912 et jurisprudence antérieure. Paris et Reims.
- RINTELEN : *Verfahren ausser Streitsachen*.
- RISS, FR., WEITPERT, DR. K., RICHTER, DR. W. : *Jugendwohlfahrtsrecht*. Band 3 : „Reichsgesetz für Jugendwohlfahrt“. Handausgabe; Bayer. Kommunalschriftenverlag, München, 1926.
- ROBERT : *De la condition juridique de l'enfant naturel dans le Code civil suisse et le Code civil allemand*. Genève, 1912.
- ROGUIN : *Cours de droit civil comparé*. Professe à l'Université de Lausanne.
- : *Traité de droit civil comparé*. Les successions. Vol. 2, p. 164. Paris, 1908-1913.
- ROSENTHAL : *Die Beseitigung der Einrede des Mehrverkehrs und der neue Begriff der unehelichen Vaterschaft in dem Entwurfe eines Gesetzes über die unehelichen Kinder und die Annahme an Kindes Statt*. Königsberger Dissertation, 1928.
- ROSS, E. A. : *South of Panama*. New York, 1915.
- ROSSEL & MENTHA : *Manuel de droit civil suisse*. Lausanne.
- ROTH : *System des deutschen Privatrechts*. Band II.
- ROUX, A. : *De la condition juridique des enfants naturels dans le Code civil allemand*. Thèse. Paris, 1902.
- SAVATIER, R. : *La recherche de la paternité*. Paris, 1927.
- VON SCHEY, DR. J. FREIHERR : *Das allgemeine bürgerliche Gesetzbuch für Österreich*. Manzsche Verlags- und Universitätsbuchhandlung, Wien, 1922.

- SCHERER: *Das bürgerliche Gesetzbuch für das deutsche Reich (Familienrecht)*. Erlangen, 1900.
- SCHERPNER-DREXEL, HANNA: Rechte unehelicher Kinder aus den Sozialgesetzen (Stand vom 1. Januar 1926) im Auftrag des Archivs deutscher Berufsvormünder bearbeitet. 174 p. H. Beyer & Söhne, Langensalza, 1926. (Fortschritte der Jugendfürsorge, II. Reihe, Hft. 7.)
- SCHILLER: *In Keller-Klumker Handbuch*. Bd. I, 2. S. 1169 ff.
- SCHIRMMEISTER-PROCHAWNIK: *Das bürgerliche Recht Englands*. Berlin, 1905 bis, 1927.
- SCHÖULER, J.: *A Treatise on the Law of Domestic Relations*. Part III, chapter I. Albany, 1921.
- SCHRÖCK: *Verlöbniß und Ehe sowie die Rechtsverhältnisse der unehelichen Kinder nach dem neuen bürgerlichen Gesetzbuch für das deutsche Reich*. Gemeinverständlich dargestellt. Wiesbaden, 1867.
- SÉUFFERT: *Praktisches Pandektenrecht*. 1867.
- SILBERNAGEL, WEBER: *Verwandschaft*. 3. Abteilung.
- SIMONCELLI, V.: *Institutioni di Diritto civile italiano*. Roma, 1934.
- SKJERBAEK: „Lage und Recht des unehelichen Kindes in Dänemark“, in *Uneheliche Kinder in den nordischen Ländern*. Langensalza, 1925.
- SLINGERLAND, W. H. (editor): *A Child Welfare Symposium*. New York, 1915.
- : *Child-placing in Families*. Russell Sage Foundation. New York, 1919.
- SPANN, O.: *Untersuchungen über die uneheliche Bevölkerung in Frankfurt a.M.* Probleme der Fürsorge, Band II, Auflage, Dresden, 1905.
- : *Die unehelichen Mündel des Vormundschaftsgerichtes in Frankfurt am Main*. Dresden, 1909.
- SPEICH, TH. R.: *Die unehelichen Geburten der Stadt Zürich*. Glarus, 1914.
- SPEHL: *Vollstreckungsrechtshilfe zwischen Osterreich und Deutschland*.
- STARK: *Rechtsbeziehungen zwischen der Tschechoslowakei und dem deutschen Reich*. Verlag Heymann, Berlin, 1924.
- STAUDINGER'S, J. VON.: *Kommentar zum bürgerlichen Gesetzbuch*, VI. Band: „Einführungsgesetz“. Erläutert von Fritz Keidel. 9. Auflage; Verlag J. Schweizer, München, Berlin und Leipzig, 1929.
- STEINCKE: *Haandbog i Forsørgelsesvaesen*, 2^{me} édition, pp. 264-342. Copenhagen, 1918.
- STEVENSON: *Voir sous* — See under CHILDREN'S BUREAU.
- STUBENRAUCH: *Kommentar zum österreichischen allgemeinen bürgerlichen Gesetzbuch*. Wien, 1884.
- STUNTZ, H.: *South American Neighbors*. New York, 1916.
- TASASIENIEZ: *Verfahren in Unterhaltsklagen*. Krakau, 1899.
- TREIS, S. VAN SENDEN, & GOODRICH, C.: *The Child in the Foster Home*. New York School of Social Work, 1921.
- TREIS, S. VAN SENDEN: *The Foundlings, How Foster Children turn out*. Chapter XVI. State Charities Aid Association, New York, 1924.
- THURSTON, H. W.: *The Dependent Child*. New York, 1930.
- THL: *Österreichische Privatrecht*. Band V. Lemberg, 1902.

- TIMASCHEW : *Voit sous* — See under MAKLEZOW.
- TOMFORDE-DIEFFENBACH WEBLER : *Das Recht des unehelichen Kindes und seiner Mutter im In- und Ausland; etc.* C. Heymann, Berlin. Vierte umgearbeitete Auflage, 1935.
- TONNELIER : *De la légitimation.* Paris, 1884.
- TREGOLD, A. F. : *Mental Deficiency.* New York, 1914.
- TROUNSTINE, H. S. : *Illegitimacy in Cincinnati.* Helen S. Trounstine Foundation, 1919.
- TUGENDREICH, DR. G. : *Die Mutter und Säuglingsfürsorge.* Kurzgefasstes Handbuch. Mit Beiträgen von J. F. Landsberg und Dr. med. W. Weinberg. Stuttgart, 1910.
- TURPIN, H. : *La condition des enfants incestueux ou adultérins et leur légitimation.* Paris, 1910.
- ULLERSBERGER : *Das Rechtsverhältnis der unehelichen Kindschaft nach dem bürgerlichen Gesetzbuch und dem Code civil.* Strassburg, 1900.
- UNITED STATES (Department of Labor) : See under — *Voit sous* CHILDREN'S BUREAU.
- VERNHES, R. : *Des enfants adultérins et incestueux.* Toulouse, 1902.
- VIOLETTE : *La recherche de la paternité.* Commentaire de la nouvelle loi adoptée définitivement par le Parlement. Paris, 1913.
- VIOLLET : *Histoire du Droit français.* 1886.
- DE VRIES FEYEN : *Keller-Klumker, Säuglingsfürsorge und Kinderschutz in den europäischen Staaten.*
- WAHL : *La recherche de la paternité d'après la loi du 16 novembre 1912.* Paris, 1913.
- WALKER, G. : *System des Exekutionsrechts für die tschechoslovakische Republik.* Bearbeitet von Prochaska, Brünn, 1926.
- WEBLER : *Voit sous* — See under TOMFORDE.
- WEINBERG : *Voit sous* — See under TUGENDREICH.
- WEISS, DR. E. : *Zivilprozessgesetzgebung der tschechoslovakischen Republik mit Erläuterungen.* Brünn, 1921.
- : *Zur Reform des Familienrechts.* Verlag R. M. Rohrer, Brünn, 1923.
- : *Das allgemeine bürgerliche Gesetzbuch nebst Entscheidungen und allen ergänzenden Gesetzen und Verordnungen für Böhmen.* Verlag H. Mercy Sohn, Prag, 1927.
- WEITPERT, DR. K. : *Wegweiser für den Vormund.* 10. Tausend. Bayer Druckerei und Verlagsanstalt, München, 1927.
- : *Die Rechtsverfolgung der Unterhaltsansprüche unehelicher Kinder im Ausland.* 1929.
- : *Ungeborene.* Bayer Druckerei und Verlagsanstalt, München, 1929.
- Voit aussi sous* — See also under RISS.

- WERNER, O. H. : *The Unmarried Mother in German Literature : with Special Reference to the Period 1770-1800.* Columbia University Press, New York, 1917.
- WIESNER & JACOBSEN : „Uneheliche Kinder nach norwegischem Recht“ in *Uneheliche Kinder in den nordischen Ländern usw.* H. Beyer & Söhne, Langensalza, 1925.
- WILE, I. S. : *The Challenge of Childhood.* T. Seltzer, New York, 1925.
- WINDSCHEID-KIPP : *Lehrbuch des Pandektenrechts.* 8^{me} édition.
- WOLFF : *Die Rechtsstellung der unehelichen Kinder im bürgerlichen Gesetzbuch und ihre Reform.* Cotta'sche Buchhandlung Nachf. Stuttgart und Berlin, 1918.
- WOODS & KENNEDY : *Young Working Girls.* New York.
- WORMS, R. : *La sexualité dans les naissances françaises.* Paris, 1911.
- WROBLEWSKI : *Das allgemeine bürgerliche Gesetzbuch.* Krakau, 1914 bis 1918.
- YOUNG, A. : *Catholic and Protestant Countries compared.* New York, 1895.
- ZIEGLER : *Die Anerkennung ausserehelicher Kinder nach schweizerischem Recht.* Lichtensteig, 1908.
- ZOLL : *Grundriss des österreichischen und russischen Zivilrechts.* Krakau, 1921.
- ZOPFS : *Die rechtliche Stellung des unehelichen Kindes zu seinem Erzeuger und dessen Familie in Gegenwart und Zukunft.* Göttinger Dissertation, 1924.

II. PÉRIODIQUES

a) Juridiques.

- BARTLETT, C. A. H. : „Illegitimates and Legitimation.“ *American Law Review*, volume 54, pages 563-586.
- BERGMANN, DR. : „Internationales und interterritoriales Ehe- und Kinderschaftrecht in Polen.“ *Zeitschrift für Standesamtswesen*, 7. Jahrgang, Nr. 1.
- BODE : „Der Vormundschaftsrichter im Entwurf eines Gesetzes über die unehelichen Kinder.“ *Deutsche Richter-Zeitung*, 1927, Seite 380.
- BOROSINI, V. : „Problem of Illegitimacy in Europe.“ *Journal of American Institute of Criminal Law and Criminology*, July, 1918.
- BOVENSIEPEN : „Bessere Rechtsstellung der unehelichen Kinder.“ *Deutsche Juristenzeitung*, 1919, Spalte 722.
- : „Staatskinder und Erbrecht der unehelichen Kinder.“ *Deutsche Richter-Zeitung*, 1926, Seite 140.
- BOWEN, L. B. : *Court Work with Illegitimate Families.* Report of Municipal Court, Philadelphia, 1915.
- BRANDIS : „Der Gesetzentwurf über die unehelichen Kinder.“ *Juristische Wochenschrift*, 1925, Seite 2725.

II. PERIODICALS

(a) Legal.

- BRANDIS : „Neues Unehelichenrecht in Griechenland.“ *Blätter für internationales Privatrecht*, 1927, Seite 99/102.
- VON BROMBERG : *Niemeyers Zeitschrift für internationales Recht*, Nr. 17, Seite 284; Nr. 11, Seite 339; Nr. 12, Seite 189.
- BROSNAN, J. F. : „The Law of Adoption.“ *Columbia Law Review*, XXII (IV, 1922), page 332.
- BRUNNER, W. : „Die Bedeutung der Frist bei der Vaterschaftsvermutung nach Artikeln 314 Zivilgesetzbuch.“ *Zeitschrift für schweizerisches Recht*, 57, Seite 335-348, Heft 2, 1938.
- BÜCKLING : „Die Rechtsstellung der unehelichen Kinder.“ *Deutsche Richter-Zeitung*, 1921, Spalte 13.
- CASTBERG, J. : „The Children's Rights Laws and Maternity Insurance in Norway.“ *Journal of the Society of Comparative Legislation* (new series), Volume XVI, 1916, pages 283-299, London.
- CELENTANO, F. : « La prova della illegittimità della prole in procedimento penale. » *Giustizia penale*, N° 44, pagine 155-160, febbraio 1938.
- CRESTOVITCH, G. : „Rechtsstellung der unehelichen Kinder in Griechenland.“ *Blätter für internationales Privatrecht*, 1927, 51/4.
- DEAK, F. : Voir sous — See under ROBBINS, H.
- DERS : „Die Anwendung und Auslegung des sowjetrussischen Zivilgesetzbuchs.“ *Zeitschrift für vergleichende Rechtswissenschaft*, 1926, Seite 30.
- ENGLÄNDER : „Die Entwicklung des Familienrechts in Sowjetrussland.“ *Zeitschrift für osteuropäisches Recht*, 1926, Seite 577.
- EPSTEIN : „Das Sprachenrecht der tschechoslovakischen Republik.“ *Juristischen Wochenschrift*, Seite 1193 und 1254.
- ERICHSEN : „Recht in Nordschleswig.“ *Juristische Wochenschrift*, 1926, Seite 1881.
- FLACKS, W. : „Evidential Value of Blood Tests to prove Non-paternity.“ *American Bar Association Journal*, No. 21, pages 680-683, October 1935.
- FRIEDLÄNDER : „Das russische Eherecht in seiner Bedeutung für das in Deutschland geltende internationale Privatrecht.“ *Zeitschrift für vergleichende Rechtswissenschaft*, 1925, Seite 147 und 168.
- FURTHNER : „Die rechtliche Stellung der unehelichen Kinder nach deutschem und schweizerischem Rechte.“ *Leipziger Dissertation*, 1911.
- GENZMER : „Pater semper incertus est?“ *Deutsche Juristenzeitung*, 1920, Seite 616.
- GMÜR : „Das aussereheliche Kindesverhältnis nach dem Vorentwurf zum schweizerischen Privatrecht.“ *Zeitschrift des bernischen Juristenvereins*, 1899, Seite 526.
- GRASSHOFF : „Gedanken über den Entwurf eines Gesetzes über die unehelichen Kinder und die Annahme an Kindes Statt.“ *Leipziger Zeitschrift für deutsches Recht*, 1928, Spalte 168.

- GUTTMANN, W. : « La riforma della filiazione illegittima seconda il progetto tedesco e quello italiano. » *Annuario di diritto comparato e di studi legislativi*, N° 12, pagine 277-313, fascicule 5, 1937.
- HAIN, O. : „Die Einrede der Rechtskraft gegenüber der Klage des unehelichen Vaters gegen das Kind auf Feststellung der blutmässigen Abstammung.“ *Juristische Wochenschrift*, Nr. 67, Seite 2714-2715, 22-29. Oktober 1938.
- HENDERSON, L. M., AND OTHERS : (The) „Legal Status of Illegitimates in the Commonwealth of Australia.“ *Journal of Comparative Legislation and International Law*, third series, Volume 3, pages 13-20, 1921.
- HERNYCHOWSKI : „Aufwertung privatrechtlicher Forderungen in Polen.“ *Juristische Wochenschrift*, 1926, Seite 2806; 1927, Seite 948.
- JOSEF : „Unterhaltungsanspruch des unehelichen Kindes gegen den Erzeuger aus dem Rechtsgrund des Schadenersatzes.“ *Juristische Wochenschrift*, 1925, Seite 2107.
- JUNKER : „Klage des unehelichen Vaters gegen das Kind auf Feststellung der blutmässigen Abstammung usw.“. *Juristische Wochenschrift*, Nr. 67, Seite 1224-1226, 14. Mai 1938.
- KAISER : „Die Vaterschaftsklage, aus der Rechtssprechung zu Artikeln 302-307, Zivilgesetzbuch.“ Separatabdruck aus der *Schweizerischen Juristenzeitung*, XII. Jahrgang, Heft 19/20 vom 15. April 1916, Schulthess, Zürich.
- KALES, A. M. : „Rights of Adopted Children.“ *Illinois Law Review*, IX (October, 1914), 149.
- KIPP : „Der Entwurf eines Gesetzes über die unehelichen Kinder und die Annahme an Kindes Statt.“ *Deutsche Juristenzeitung*, 1929, Seite 461.
- KLUMKER : „Zur Neuordnung des Unehelichenrechts.“ *Juristische Wochenschrift*, 1925, Seite 310.
- KÖNIG : „Pater semper incertus est?“ *Deutsche Juristenzeitung*, 1929, Seite 915.
- KÜBLER : „Die Feststellung der unehelichen Vaterschaft durch das Vormundschaftsgericht.“ *Juristische Wochenschrift*, 1926, Seite 1419.
- KUTTNER : „Die Klagen auf Feststellung des Bestehens oder Nichtbestehens der unehelichen Vaterschaft.“ *Jehring's Jahrbuch*, Band 50, Seite 419.
- LAMADRID, L. : « El proyecto de decreto-ley del consejo de estado sobre equiparación de los hijos extramatrimoniales. » *Revista Cubana de derecho*, N° 12, pagina 249-275, octubre-diciembre 1935.
- LEHR : « De la situation juridique des enfants naturels en droit comparé. » *Revue de droit international et de législation comparée*, 1905, page 619.
- LINKE : „Vaterschaftsprozesse.“ *Österreichische Richter-Zeitung*, XIX, Heft 6.
- LOEBINGER : „Recht in Polnisch-Oberschlesien.“ *Juristische Wochenschrift*, 1926, Seite 1295.

- MARTIN : « De la législation des enfants adultérins. » *Semaine judiciaire*, 1897, page 177.
- MATHIEU DE VIENNE : « Etude sur la législation des enfants naturels en droit romain et en droit français. » *Bulletin de législation comparée*, volume 77, page 444.
- MENTHA : « Des conséquences juridiques de la naissance illégitime étudiées de lege ferenda dans Verhandlungen des schweizerischen Juristenvereins, 1888. » *Zeitschrift für schweizerisches Recht*, neue Folge, Band VII, Seite 563.
- MORATO, F. : « Do reconecimento da paternidade espuria, para effeitos de alimentos. » *Revista da faculdade de direito*, Universidade de São Paulo, No. 33, pagina 351-354, Agosto de 1937.
- MULLINS, C. : « The Bastardy Laws—Points for Reform. » *Law Journal*, No. 85, pages 374-375, May 28, 1938.
- MUNK : „Der Gesetzentwurf über die unehelichen Kinder und die Annahme an Kindes Statt.“ *Deutsche Juristenzeitung*, 1926, Spalte 1069.
- NEUBAUER : „Die Gesetzgebungen des Auslandes in Betreff des Anspruches unehelicher Kinder gegen den Erzeuger.“ *Zeitschrift für vergleichende Rechtswissenschaft*, Band III, Seite 321; Band IV, Seite 362, 1882-1883.
— *Zeitschrift für vergleichende Rechtswissenschaft*. 4. Jahrgang, Seite 362.
- NEUBECKER : „Das norwegische Gesetz über uneheliche Kinder.“ *Deutsche Juristenzeitung*, 1918, Seite 181.
- NIEMEYER, TH. : „Das internationale Privatrecht im japanischen Zivilgesetzbuch.“ *Niemeyers Zeitschrift für internationales Recht*, Band 11. Leipzig, 1902.
- NORDEN : „Die Einführung des belgischen Privatrechts in Eupen-Malmedy.“ *Auslandsrecht VII*, Nr. 11/12.
- PACHE : „Das Familienrecht in Sowjetrussland.“ *Niemeyers Zeitschrift für internationales Recht*, 1925, Seite 263.
- PETER : „Zur Klage auf Feststellung der blutmässigen Abstammung.“ *Juristische Wochenschrift*, Nr. 67, Seite 1293, 21. Mai 1938.
- PEYER : „Die familienrechtliche Stellung unehelicher Kinder in der Schweiz.“ *Zürcher Beiträge zur Rechtswissenschaft*. Verlag Schulthess, Zürich.
- PIBSON, R. : « La loi du 7 mars 1938 sur la tutelle des enfants naturels. » *Belgique judiciaire*, n° 96, pages 489-492, 1^{er}-15 octobre 1938.
- PLATNIKOW : „Stellung der Frauen und Kinder nach der Gesetzgebung Georgiens.“ *Niemeyers Zeitschrift für internationales Recht*, 1926.
- RABEL : „Die privatrechtliche Stellung der unehelichen Kinder.“ *Leipziger Zeitschrift für deutsches Recht*, 1921, Spalte 53, 8.
- RABINOVITSCH : „Das neue russische Familienrecht.“ *Blättern für internationales Privatrecht*, 1928, Seite 153 und 210.

- RENARD, C. : « L'incapacité établie par l'article 908 s'étend-elle aux descendants légitimes de l'enfant naturel? » *Belgique judiciaire*, n° 96, pages 257-263, 1^{er} mai 1938.
- RICHTER : „Beginn und Ende der Vormundschaft nach polnischem Recht.“ *Juristische Rundschau*, 2. Jahrgang, Nr. 2 und 3.
- ROBBINS, H. H., DÉAK, FRANCIS : (The) „Familial Property Rights of Illegitimate Children; a Comparative Study.“ *Columbia Law Review*, Volume 30, pages 308-329, March 1930.
- ROQUETTE : „Familienstand und Familienstandsklagen.“ *Juristische Wochenschrift*, 66, Seite 2553-2559, 9. Oktober 1937.
- ROTSCHILD : „Die Rechtsstellung der unehelichen Kinder und deren Unterhaltungsansprüche nach den hauptsächlichsten Auslandsrechten.“ *Blätter für Internationales Privatrecht*, 1926, Nr. 1, 2, 3.
- SCHMIDT, ALEXANDER : „Das neue Zivilprozessverfahren in Ungarn.“ *Niemeyers Zeitschrift*, 22, Seite 142 (1912).
- SCHRÖTER : *Zeitschrift für Zivilrecht und Prozess*, 1832.
- SCHUMACHER : „Zur Frage der Unterhaltspflicht gegenüber dem unehelichen Kinde während der Erwerbslosigkeit seines Erzeugers.“ *Juristische Wochenschrift*, Nr. 67, Seite 2118-2119, 13. und 20. August 1938.
- SCHUSTER : „Ungewissheit der Vaterschaft.“ *Deutsche Richter-Zeitung*, 1928, Seite 110 ff.
- SEGELKE : „Zur Frage der Unterhaltspflicht nach dem Entwurf über die unehelichen Kinder.“ *Deutsche Juristenzeitung*, 1926, Spalte 1490.
- SIEVEKING : *Zentralblatt für freiwillige Gerichtsbarkeit*, 1909, Seite 205.
- : „Dänisches Vormundschaftsrecht.“ *Lobe's Zentralblatt für freiwillige Gerichtsbarkeit*, 10. Jahrgang, 1909, Seite 153-160.
- : „Vormundschaft und rechtliche Stellung der unehelichen Kinder in Schweden.“ *Zentralblatt für freiwillige Gerichtsbarkeit*, Heft 16/17 vom 10. März 1910. Verlag Dietrich, Leipzig.
- SILBERNAGEL, ALFRED : « L'enfant naturel et sa mère. » Propositions de *lege ferenda* pour améliorer leur situation juridique (étude de droit comparé). Agen, Imprimerie moderne, 1928. Extrait du *Bulletin de la Société de législation comparée*.
- SOENDSEN, A. : „Underholdsbidragslove.“ *Danmarks Sociallovgivning*, II-III, Kopenhagen, 1918.
- SPEHL : *Zeitschrift für Kinderschutz und Jugendfürsorge in Wien*.
- SWOBODA : „Zum Gesetzentwurf über die unehelichen Kinder.“ *Deutsche Richter-Zeitung*, 1926, Seite 343 ff.
- TENEKIDS, G. J. : « La condition des enfants naturels en Grèce. » *Bulletin mensuel de la Société de législation comparée*, n° 58, pages 194-200, janvier-mars 1929.
- THIAS : „Todeserklärung nach tschechoslovakischem Recht.“ *Zeitschrift für Rechtsanwendung*, 1926, Seite 10.
- UPPENKAMP : „Vollstreckung deutscher Urteil in Spanien.“ *Juristische Wochenschrift*, 1926, Seite 1887.

- WAHL, A. : « La recherche de la paternité, d'après la loi du 16 novembre 1912. » *Revue trimestrielle de Droit civil*, janvier-février-mars 1913. Paris, 1913.
- WEDERMANN : „Der Vormundschaftsrichter im Entwurf eines Gesetzes über die unehelichen Kinder.“ *Deutsche Richter-Zeitung*, 1928, Seite 40.
- WEISE : „Zur exceptio plurium.“ *Deutsche Juristenzeitung*, 1929, Seite 438.
- WEISS, E. : „Zur Rechtsstellung der unehelichen Kinder in der Kaiserzeit.“ *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung* 49, Seite 260-273, 1929.
- WEYRAUCH : „Recht im Hultschiner Ländchen.“ *Juristische Wochenschrift*, 1926, Seite 1882.
- : „Rechtsverkehr mit der tschechoslovakischen Republik, besonders mit Rücksicht auf deren neueste Sprachengesetzgebung.“ *Juristische Wochenschrift*, 1926, Seite 1940.
- WHITE, J. D. : „Legitimation by Subsequent Marriage.“ *Law Quarterly Review*, Volume 36, pages 255-267, 1920.
- WILHELM, E. : „Die Alimentationsklage der deutschen Kinder gegen den unehelichen Vater in Elsass-Lothringen.“ *Juristische Rundschau*, III, 1927, Seite 391-400.
- WILKE, G. : „Über englische, irische und schottische Gerichtsverfassung.“ *Deutsche Juristenzeitung*, 1925, Seite 1412, *Auslandsrecht*, 1925, Seite 285, und *Hanseatische Rechtszeitschrift*, 1926, Seite 1.
- WINKLER : „Nochmals der Gesetzentwurf über die unehelichen Kinder.“ *Deutsche Richter-Zeitung*, 1926, Seite 241.
- WOLEMAR : „Vollstreckung deutscher Urteile in Österreich.“ *Juristische Wochenschrift*, 1925, Seite 1189.
- WREDE : „Das zivil Prozessrecht Schwedens.“ *Deutsche Juristenzeitung*, 1925, Seite 1130.
- ZEEBLER : „Über Vaterschaftsklage und Eherecht in der Schweiz.“ *Zeitschrift des bernischen Juristenvereins*, Band XXI, 1885, Seite 436.
- ZOLL : „Unterhaltsansprüche unehelicher Kinder in Russisch-Polen.“ *Blätter für internationales Recht*, 1927, Seite 189.
- NON SIGNÉ — UNSIGNED : „New Swedish Legislation concerning Illegitimate Children.“ (Translated from the original by Mr. Oscar Gustafson.) *Journal of American Institute of Criminal Law and Criminology*, Volume 11, pages 284-288, August 1920. Pertains to Swedish legislation, giving the provisions of earlier laws — 1734, 1866, 1905, 1917.
- b) Périodiques médicaux, (b) Medical and Social Hygiene
d'hygiène sociale. Periodicals
- CLARKE, W. : „Norwegian Illegitimacy Act.“ *Journal of Social Hygiene*, Volume 9, pages 146-149, March 1923.
- DARWIN, L. : „Divorce and Illegitimacy.“ *Eugenics Review*, Volume 9, pages 296-306, January 1918.

- FLEISCHER, L. : „Über das Schicksal der 1891-1905 in Düsseldorf geborenen unehelichen Kinder und ihrer Mütter.“ R. Schoetz, Berlin, 1931. *Veröffentlichungen aus dem Gebiete der Medizinverwaltung*, Band 34, Heft 7.
- GALLICHAN : “ Notes on Illegitimacy.” *American Journal of Urology and Sexology*, Volume 14, pages 417-421, September 1918.
- GARGAS, S. : „Uneheliche Kinder in den Niederlanden.“ *Archiv für sozial Hygiene*, 1928, Nr. 6.
- GRUNBAÜM-SACHS, H. : „Das Sexualprobleme der Bevölkerungspolitik.“ *Zeitschrift für Sexualwissenschaft*, XIII, Jahrgang 1926, Seite 230, Heft 7.
- KASTEN, A. : „Ein Beitrag zur Legitimationsstatistik.“ *Archiv für Sozialhygiene und Demografi*, Band II, Heft 1, 1926.
- MAXFIELD, F. N. : “ The Social Treatment of Unmarried Mothers.” *The Psychological Clinic*, Volume IX, December 15, 1915, pages 210-217.
- MULLER : „Die Sachverständigen-Konferenz über das Unehelichenrecht.“ *Sozial Praxis*, 1926, Spalte 357.
- MURPHY, J. : “ Illegitimacy and Feeble-mindedness.” *Mental Hygiene*, October 1917.
- PADUA, R. G., M.D. : “ Incidence of Illegitimate Births among Filipinos.” *Journal of the Philippine Islands Medical Association*, Volume 12, pages 430-439, September 1932.
- WILLOUGHBY, W. G., M.D. : (The) “ Unmarried Mother and her Child.” *Journal of the Royal Sanitary Institute (London)*, Volume 40, pages 136-139, November 1919.
- YOUNG, E. W., M.D. : “ Progress in the Treatment of Illegitimacy.” *Medical Review of Reviews*, Volume 21, pages 284-289, May 1915.
- : “ Progress in the Treatment of Illegitimacy.” *Medical Review of Reviews*, May 1915.
- NON SIGNÉ — UNSIGNED : “ Illegitimacy in Europe.” *Journal of Social Hygiene*, Volume 13, pages 242-244, April 1927.

c) Bulletin international de la (c) International Child Welfare
Protection de l'enfance Bulletin

- ANTONOW, DR. A. : « La protection de la maternité et de l'enfance en Russie (1915-1923). » N° du 31 juillet 1924, pages 747-758.
- GUIMARAES, E. : « La situation des enfants adultérins dans la législation portugaise. » 1933, pages 732-733.
- NISOT, P. : « De la condition juridique de l'enfant né hors mariage. » Mars, mai 1929, pages 237-268, 537-533.
- D'OLIVEIRA, A. : « La question de l'enfant illégitime au Portugal. » N° 67 (février) de 1928, page 115.

SEYSS-INQUART : « La recherche de la paternité des enfants naturels. » 1930, n° 142, pages 1017-1020.

SILBERNAGEL, A. : « La recherche de la paternité des enfants naturels en Suisse. » 1936, n° 142, pages 1021-1033.

SILBERNAGEL-CALOYANNI, A. : « La tutelle officielle et professionnelle en Suisse. » 1932, pages 327-333.

SOMERSON, D. S. : « La recherche de la paternité des enfants naturels. » Analyse de la loi turque. N° 139 de 1935, pages 319-324.

WEBLER, H. : « La recherche de la paternité des enfants naturels en Allemagne. » N° 142 de 1936, pages 1034-1037.

NON SIGNÉ — UNSIGNED : « Loi norvégienne sur les naissances illégitimes. » N° du 31 mai 1923, pages 504-506.

— : « Loi sur la légitimation (Grande-Bretagne). » 31 août-30 septembre 1924, page 871.

— : « La situation de l'enfant illégitime en Pologne. » N° 66 de janvier 1930.

— : « Enfants nés du mariage et hors mariage dans l'Union des Républiques soviétiques socialistes. » 1930, pages 344-345.

— : « Légitimation des enfants en France. » 1930, page 432.

— : « Les mystères de l'adoption. » France, 1930, pages 587-589.

**d) Œuvre nationale de l'En-
fance**

**(d) National Child Welfare
Association**

BOVESSE, F. : « Projet de loi sur l'adoption. » N° 2, 1936, pages 19-112.

LANDBERG, E. : « L'illégitimité considérée au point de vue du bien-être de l'enfant. » N° de novembre 1920, pages 252-261.

MAUS, I. : « La protection des enfants illégitimes. » N° 12, pages 1-9, octobre 1930.

WETS, M. P. : « La tutelle des enfants naturels. » N° 14, pages 556-557, 580-590, août-septembre 1933.

— : « La tutelle des enfants naturels. » Pages 551-557, 580-590, 1932/33.

— : « Tutelles d'enfants naturels non reconnus. » Pages 58-59, 1932/33.

e) Zentralblatt für Jugendrecht und Jugend-Wohlfahrt

ENGELMANN : „Die rechtliche Stellung der unehelichen Kinder in Belgien.“ Band I (1909), Seite 137-138.

KLUMKER : „Der Gesetzentwurf über das Unehelichenrecht.“ 1925, Seite 157.

MÜLLER : „Der Gesetzentwurf über das Unehelichenrecht.“ 1925, Seite 163.
— : „Vaterschaft und Unterhaltspflicht im künftigen Unehelichenrecht.“ 1929, Seite 285.

- NIEDEN, M. ZUR : „Bemerkung über die Zahlen zur Kindesannahme.“
Nr. 28, Seite 8-12. April 1936.
- PELLE, L. : „Rechtsprechung und Gerechtigkeit in der Unterhaltsbeitreibung für uneheliche Kinder.“ Nr. 28, Seite 45-9, Mai 1936.
- : „Elterliche Gewalt oder Vormundschaft für das uneheliche Kind?“
Nr. 28, Seite 389-400, Februar 1937.
- PERELS, L. : „Das spanische Strafgesetzbuch und die privatrechtliche Stellung des unehelichen Kindes.“ Nr. 21, Seite 96-97.
- SCHERPNER : „Das uneheliche Kind in der Sozialgesetzgebung.“ 1926,
Seite 5.
- SCHULTE-LANGFORTH, M. : „Der Blutprobeweis in der Praxis des Vaterschaftsprozesses.“ Nr. 28, März 1937, Seite 439-450.
- STORCK : „Der Gesetzentwurf über das Unehelichenrecht.“ 1925, Seite 160.
- STORCK, G. FR. : (Die) „Reichstagsvorlage über die rechtliche Stellung der unehelichen Kinder.“ Band 20, Januar 1929, Seite 257-262.
- TOMFORDE, K. : „Das französische Gesetz zur Erforschung der Vaterschaft.“
IV. Jahrgang (1913), Nr. 22, Seite 264.
- WASSERMANN : III. Jahrgang (1911), Seite 201.
- WEBLER, H. : „Das neue Recht des unehelichen Kindes und seiner Mutter in Griechenland.“ XIX. Jahrgang, Seite 46.
- : „Die Unterhaltsklage eines deutschen unehelichen Kindes in Holland.“
XVIII. Jahrgang, Seite 180.
- : „Die Erbbiologie im Dienst der Vaterschaftsfeststellung.“ Nr. 27,
Seite 393-397, März 1936.
- NON SIGNÉ — UNSIGNED : „Die unehelichen Kinder in der Reichsstatistik.“
Nr. 27, Seite 336-337, Januar 1936.
- : „Die Ehelichkeitserklärung als soziale Erscheinung.“ Nr. 27, Seite
353-366, Februar 1936.
- : „Klage auf Feststellung der unehelichen Vaterschaft.“ Nr. 27,
Seite 415, März 1936.

f) „ Survey »

(f) The Survey

- ADDAMS, J. : „Disturbing Conventions.“ October 7th, 1916.
- BOWEN, L. B. : „For Unmarried Mothers.“ October 20th, 1914.
- COLBOURNE, F. : „For Unmarried Mothers abroad.“ Volume 51, page 96,
October 15th, 1923.
- LANE, W. D. : „Just Flickerings of Life.“ May 1916.
- MUDGETT, M. D. : „For Unmarried Mothers in Europe.“ Volume 57,
pages 809-811, March 15th, 1927.
- OTTENBERG, L. : „Fatherless Children of the National Capital.“ January
30th, 1915.

DE VILBISS, L. A. : "Who is the Father?" Volume 41, pages 923-924, March 29th, 1919.

NON SIGNÉ — UNSIGNED : (The) "Illegitimate Child." Volume 43, pages 654-655, February 28th, 1920.

— : "Mothers and Mothers." May 2nd, 1919.

g) Périodiques divers

(g) Miscellaneous

ALISTERMAN, C. A. : "State Supervision of Children born out of Wedlock." *Social Service Review*, No. 7, pages 254-262, June 1933.

ANASTASIA, D. : « Nuevo régimen sobre sistema 'adoptivo.' » *Boletín del Instituto internacional americano de Protección a la infancia*, N° 10, páginas 413-438, enero de 1937.

ANDERSON, M. M. : (The) "Welfare of the Illegitimate Child and the Norwegian Laws of 1915." *Child* (London), Volume II, pages 136-138, January 1921.

ANTHONY, KATHERINE : "Norway's Treatment of the Illegitimate Child." *The New Republic*, August 21st, 1915.

— : "Public Opinion on the Subject of War Babies." *The New Republic*, May 8th, 1915.

— : "Outlawed Children." *The New Republic*, February 10th, 1917.

BACHI, R. : « La distribuzione geografica della natalità illegittima in Italia. » *Giornale degli economisti*, N° 50, pagine 880-911, ottobre 1935.

BALLARIN, H. G. : „Wieder die erstrangige Unterhaltspflicht des unehelichen Erzeugers nach § 1766.“ *Bürgerliches Gesetzbuch, Deutsche Jugendhilfe*, Nr. 29, Seite 472-475, März 1938.

BEHREND, H. : „Zwei Karten über die Rechtstellung des unehelichen Kindes in Europa und im Deutschen Reiche vor dem 1. Januar 1900.“ *Zeitschrift für Säuglingsschutz*, III. Jahrgang (September 1911), Seite 280-284.

— : „Kritische Betrachtungen zum Entwurfe eines Gesetzes betreffend die unehelichen Kinder.“ *Soziale Praxis*, 1926, Spalte 1009.

BORRINO, A. : « Brevi risposte al referendum sull'assistenza agli illegittimi. » *Difesa della stirpe*, N° 8, pagine 331-332, giugno 1938.

BOVENSIEPEN : „Bessere Rechtstellung des unehelichen Kindes.“ *Soziale Praxis*, 1926, Spalte 111.

BRASSLOFF : „Unterhalts- und Versorgungsanspruch Unehelicher.“ *Soziale Arbeit*, Wien, 1926, Heft 5/6.

— : „Unterhalts- und Versorgungsanspruch Unehelicher.“ *Soziale Arbeit*, 1926, Heft 7/8.

BREDFELDT, DR. : „Das polnische Aufwertungsrecht.“ *Zeitschrift Sparkasse*, 46. Jahrgang, Nr. 8, vom 1. Februar 1926, und 45. Jahrgang, Nr. 25, vom 15. Dezember 1925.

BRISLEY, M. S. : "The Illegitimate Family and Specialized Treatment." *Family*, No. 19, pages 67-76, May 1938.

BROCKMAN, W. : " Illegitimacy in Germany." *Current History*, No. 46, pages 66-70, July 1937.

CASE, JANET : (The) " Rights of Children in Norway." *Contemporary Review*, Volume 112, pages 683-689, December 1917.

DEMSTER, E. R. : *Voir sous — See under HOLMES.*

DETERS, E. : „Zur Frage der Rechtsanwendung im deutschen Unehelichenrecht nach der Wiedereingliederung Österreichs.“ *Deutsche Jugendhilfe*, Nr. 30, Seite 86-92, Juni 1938.

DRURY, L. : " Mile-stones in the Approach to Illegitimacy." *Family*, Volume 6, pages 40-42, 79-81, 95-99, April-June 1925.

EISERHARDT : „Die Rechtslage der unehelichen Kinder in den neueren Gesetzen und Verordnungen.“ *Zentralblatt für Vormundschaftsweisen, Jugendgericht und Fürsorgeerziehung*, 1920, Seite 87.

— : „Das Unehelichenrecht im Reichstag.“ *Sozial Praxis*, 1929, Heft 9, 10.

ERADES, L. : « Gaat door het huwelijk van de moeder met een vreemdeling de Nederlandsche nationaliteit voor het door haar erkende natuurlijke kind verloren? » *Tijdschrift voor armwezen*, 14 : 4577-4578, 28 December 1935.

« L'enfant illégitime reconnu par sa mère perdra-t-il sa nationalité néerlandaise si sa mère épouse un étranger? »

“ Does an Illegitimate Child recognised by its Mother lose its Netherlands Nationality through her Marriage with a Foreigner? ”

FABRI, S. : « La ricerca della paternità. » *Gerarchia*, N° 10, pagine 654-659, agosto 1930.

FREEMAN, FRANK N. : (The) " Effect of Environment on Intelligence." *School and Society*, Volume 81, pages 628-632, May 10, 1930.

FRÖLING : « La protection officielle de l'enfance au Danemark. » *Revue internationale*, 1926, pages 970 et suivantes.

GAAY FORTMAN, B. DE : « Op welke wijze kunnen de bepalingen ten aanzien van de verplichting van den vader tot onderhoud en opvoeding van zijn natuurlijk kind een meer algemeene en effectieve toepassing vinden? Welke taak is hierbij voor de F.I.O.M. (Federatie van Instellingen voor de ongehuwde moeder en haar kind in Nederland) en haar leden weggelegd? » *Tijdschrift voor armwezen*, N° 17, 221-230, 1 Augustus 1938.

« De quelle manière les dispositions concernant l'obligation du père d'entretenir et d'élever son enfant illégitime peuvent-elles être appliquées d'une manière plus générale et effective? Quel est le devoir en cette matière de la Fédération des Institutions pour la protection de la mère non mariée et de leurs membres. »

“ In what way can the Provisions concerning the Father's Obligation to maintain and bring up his Illegitimate Child be given a more General and Effective Application? What Task devolves, in this respect, upon the Federation of Institutions for the Unmarried Mother and her Child and its Members.”

- GROB, H. : „Zur Änderung gesetzlicher Bestimmungen und ihrer Anwendung des ausserehelichen Kindes.“ *Pro Juventute*, Nr. 17, Seite 271-272, 7. Juli 1936.
- GURADZE, H. : „Notwendigkeit der gesetzlichen Regelung für statistische Erhebungen Deutschenstatistischen.“ *Zentralblatt*, 8. Jahrgang, Heft 8/9.
- HALLE, F. : „Familie und Vormundschaft nach Sowjetrecht.“ *Das neue Russland*, 1924, Heft 7/8.
- HANAUER, DR. W. : „Die Fürsorge für uneheliche Kinder und der Krieg.“ *Zeitschrift für Bevölkerungspolitik und Säuglingsfürsorge*, Band 10 (August 1918), Seite 201-207.
- HANNA, A. K. : „Dependent Children under Care of Children's Agencies : A Review of the Census Findings.“ *Social Service Review*, X (June 1936), pages 243-263.
- : „Some Problems of Adoption.“ *Child*, No. I, pages 3-7, December 1936.
- HARRISON, A. : „For the Unborn.“ *English Review*, Volume 20, May 1915.
- HART, H. H. : „The Illegitimate Child.“ *The Child* (Chicago), August 1912.
- HARTLEY, F. : (The) „Problem of Illegitimacy in South Africa.“ *Child Welfare*, National Council for Child Welfare (South Africa), Volume 9, pages 1-7, February 1930.
- HARTLEY, C. G. : „The Unmarried Mother.“ *English Review*, Volume 18, 1914.
- HELLER, L. : „Um die Beweiskraft der Blutprobe.“ *Zeitschrift für Kinderschutz, Familien- und Berufsfürsorge*, Nr. 29, Seite 38-39, Mai-Juni 1937.
- HEISTERMAN, CARL A., & HEMENWAY, H. B. : „State Supervision of Children born out of Wedlock.“ *Social Service Review*, Volume 7, pages 254-262, June 1933.
- HENRY, A. : „Wards of the State in Australia.“ *Charity*, Volume 20, June 6, 1908.
- HERTZ : „Zur Kritik des Gesetzentwurfes über die unehelichen Kinder.“ *Sozial Praxis*, 1926, Spalte 514.
- HERZFELDER : „Neuregelung der öffentlichen Fürsorge in Belgien.“ *Soziale Praxis*, 34. Jahrgang, Seite 1170.
- HEUCQUEVILLE, CH. D' : « Etude sur l'adoption. » *Revue philanthropique*, n° 31, pages 559-574, novembre 1928.
- HOFFA, DR. T. : „Offene und geschlossene Fürsorge für Haltekinder und Uneheliche.“ *Zeitschrift für Säuglingsschutz*, IV. Jahrgang (Oktober 1912), Seite 423-437.
- HOLMES, S. J., & DEMPSTER, E. R. : „The Trend of the Illegitimate Birthrate in the United States.“ *Population : Journal of the International Union for the Scientific Investigation of Population Problems* (London), No. II (November 1936), pages 6-22.
- HORN, DR. G. : „Zur Geschichte des Findelwesens.“ *Zeitschrift für Säuglingsschutz*, III. Jahrgang (September 1911), Seite 260-263.
- HOSFORD, G. L. : „The Unmarried Mother and her Child.“ *Christian Service Magazine*, January and February 1920.

- JAMES, E. R. : "Some Aspects of the Status of Children in Missouri." *University of Missouri Bulletin*, Volume 17, No. 2.
- JONES, C. C. : "To Protect the Unmarried Mother and her Child." *Social Bulletin*, Cleveland, 1914.
- KLUMKER : „Die neue Verteilung der elterlichen Gewalt bei unehelichen Kindern nach dem Reichsjugendwohlfahrtsgesetz.“ *Sozial Praxis*, 1923, Spalte 200.
- KLUMKER, CHRISTIAN JASPER : „Der unehelichenschutz im Deutschen Reich, ein Beitrag zur Geschichte der Berufsvormundschaft und zur Neuregelung des Unehelichenrechts.“ *Archiv für Sozialwissenschaft und Sozialpolitik*, 55. Band, 1. Heft, Seite 156-194, 1926.
- KNAPPER, N. : « De lichamelijke verzorging van het jonge kind der ongehuwde moeder in inrichtingen, toevluchten, tehuizen in Nederland. » *Tijdschrift voor armoezen*, 16 : 132-143, 3 Mei 1937.
- « Les soins corporels de l'enfant illégitime du premier âge dans des institutions, refuges, etc., aux Pays-Bas. »
- “The Physical Care of Infants of Unmarried Mothers in Institutions, Refuges, etc., in the Netherlands.”
- KREJCI : „Nachtrag zum Leitfaden der Berufsvormundschaft.“ *Tätigkeit (Jugendfürsorge)*, 1928, Seite 296).
- LABRIOLA, T. : « I figli d'ignoti : un problema di dignità? » *Maternità e infanzia*, N° 13, pagine 268-276, luglio-ottobre 1938.
- LANGFORTH, M. S. : „Personenstandsunterdrückung durch die uneheliche Mutter.“ *Deutsche Jugendhilfe*, Nr. 29, Seite 375-382, Januar 1938.
- : „Urkundensteuer bei Vaterschaftsanerkennungen.“ *Deutsche Jugendhilfe*, Nr. 30, Seite 145-149, Juli-August 1938.
- LAUGHLIN, C. : "Fatherless Babies." *Pearson's Magazine*, February 1915.
- LAWSON, W. : (The) "Amendment of the Law in Ireland as to the Maintenance of Illegitimate Children." *Statistical and Social Inquiry Society of Ireland, Journal*, Volume 13, pages 182-206, 1914.
- LITTLE, C. W. : "Domestic Relation Adoption." *Cornell Law Quarterly*, IV (June 1919), page 203.
- LUNDBERG, E. O. : *Child Dependency in the United States : Methods of Statistical Reporting and Census of Dependent Children in Thirty-one States*. Child Welfare League of America, Incorporated, New York, 1933.
- LUZZI, F. C. : « La arragación obligatoria y restruizida — correo institución á la infancia abandonada, ilegítima o natural. » *Boletín del instituto internacional de protección a la infancia*, N° 9, páginas 425-437, enero 1936.
- MANGOLD, F. : „Der moralische Stand der schweizerischen Bevölkerung.“ *Zeitschrift für Schweizerische Statistik und Volkswirtschaft*, 61. Jahrgang, Heft 4, 1925, Seite 411.
- MANGOLD, G. B. : "Unlawful Motherhood." *The Forum*, March 1915.
- MARANINI, G. : « Gli illegittimi nel progetto del nuovo codice civile. » *Maternità e infanzia*, N° 13, pagine 188-192, maggio-giugno 1938.

- MARCHIORI, A. : « La natalità illegittima in Italia. » *Annali di Economia*, N° 10, pagine 189-218, dicembre 1934.
- MASSICOTTE, E. Z. : « Comment on disposait des enfants du roi. » *Bulletin de recherche historique*, volume 37, pages 49-54, janvier 1931.
- MEISTER, DR. R. : „Das Recht des unehelichen Kindes; ein geschichtlicher Überblick.“ *Zeitschrift für Säuglingsschutz*. III. Jahrgang (September 1911).
- MICHELIS, R. : « Il riconoscimento legale dei figli illegittimi. » *Maternità e infanzia*, N° 10, 18 aprile 1935.
- MODIGLIANI, E. : *Assistenza materna; opera nazionale di assistenza alla maternità ed all'infanzia illegittima o bisognosa, etc.* G. Scotti, Roma, 1924.
- MOHR, J. C. B. (PAUL SIEBECK) : „Der Unehelichenschutz im Deutschen Reich.“ *Archiv für Sozialwissenschaft und Sozialpolitik*. Tübingen, 1926.
- MURPHY, J. P. : “ Foster Care of Neglected and Dependent Children. ” *Annals of the American Academy of Political and Social Science*, LXXVII (May 1918), page 117.
- MYERS, E. D. : (The) “ Illegitimate Child in Germany. ” *Social Service Review*, Volume 5, pages 258-275, June 1931.
- NAPOLITANO, I. : « Figli illegittimi e tutela penale. » *Maternità e infanzia*, N° 12, pages 9-10, gennaio/febbraio 1937, Italy.
- NIXON, J. W. : “ Some Factors associated with the Illegitimate Birth Rate. ” *Journal of the Royal Statistical Society*, Volume 77, July 1914.
- PENZKE : „Die Reform der Rechtsstellung des unehelichen Kindes und der Gesetzentwurf von 1925.“ *Königsberger Dissertation*, 1928.
- PEEIFFER : „Das Recht der unehelichen Kinder.“ *Zentralblatt für Vormundschafswesen, Jugendgerichte und Fürsorgeerziehung*, 1919, Seite 159.
- POLAK-ROSENBERG, C. L. : « Een Deensche wet betreffende de rechtspositie van het natuurlijke kind. » *Tijdschrift voor armwezen*, No. 17, 6, 10 Januari 1938.
- « Sur une loi danoise concernant les enfants illégitimes, entrée en vigueur le 10 janvier 1938. »
- A Danish law on the legal position of the illegitimate child; came into force on January 10th, 1938.
- QUETELET, A. : « De l'influence du libre arbitre de l'homme sur les faits sociaux et particulièrement sur le nombre des mariages. » *Bulletin de la Commission centrale de statistiques*, volume III, 1847, page 443.
- RATZ, P. : „Zeugnisverweigerung im Vaterschaftsprozess.“ *Deutsche Jugendhilfe*, 30, Seite 137-142, Juli-August 1938.
- ROWLANDS, E. BOWEN : “ Legitimation by Subsequent Marriage. ” *Fortnightly Review*, Volume 107, pages 514-524, March 1917.

SARR, H. M. L. H. : « Een belangrijk Koninklijk Besluit in zaken de verplichtingen van de burgerlijke armenzorg ten aanzien van de ongehuwde moeder en haar kind. » *Tijdschrift voor armwezen*, 17 : 254-256, 19 septembre 1938.

« Sur le décret royal du 23 juin 1938 concernant les obligations de l'assistance publique à l'égard de la mère non mariée et de son enfant. »

An important Royal Decree concerning the obligations devolving upon the public relief authorities in connection with the unmarried mother and her child.

SARRAZ-BOURNET : « Les maternités secrètes. » *Revue philanthropique*, n° 36, pages 121-142, janvier 1938.

SCHLATTER, M. : „Die aussereheliche Mutter und ihr Kind im schweizerischen Zivilrecht.“ *Pro Juventute*, Nr. 15, Seite 598-607, Dezember 1934.

SCHMALE : „Artikel 121 der Reichsverfassung und das Recht des unehelichen Kindes.“ *Zentralblatt für Vormundchaftswesen, Jugendgerichte und Fürsorgeerziehung*, 1920, Seite 5.

SCHÖNE, DR. W. : „Die Leipziger Mündelstatistik.“ *Zentralblatt für Vormundchaftswesen, Jugendgerichte und Fürsorgeerziehung*, VII. Jahrgang (25. Januar 1916), Seite 229-231.

SCHREUDER, J. C. : « De onderhoudsplicht van en ten opzichte van het natuurlijke niet wettelijk erkende kind. » *Tijdschrift voor armwezen, maatschappelijke hulp, kinderbescherming*, 14 : 4455-4456, 7 septembre 1935.

« L'obligation alimentaire à l'égard de l'enfant illégitime non reconnu. »

The maintenance obligation considered in relation to the legally unrecognised illegitimate child.

SIEBECK, P. : *Voir sous* — *See under* MOHR.

SIMONE, G. DE : « L'assistenza alle madri e ai fanciulli illegittimi secondo il sistema fascista. » *Difesa della stirpe*, N° 8, pagine 273-278, maggio 1938.

SKJERBAEK, O. J. : « New Danish Legislation concerning Children born out of Wedlock. » *Union internationale de secours aux enfants, Bulletin*, n° 2, pages 132-134, mai-juin 1938.

SMITH, MRS. E. L. : « Unmarried Mothers. » *Harper's Weekly*, Volume 58, September 1913.

SMITH, R. C. : « The Love Child in Germany and Austria. » *English Review*, II, June 1912.

SOMMER : *Fürsorge Zeitung*, Nr. II, Seite 102, IV.

STÖCKER, H. : „Fünfundzwanzig Jahre Kampf für Mutterschutz und sexual Reform.“ *Neue Generation*, Band 26, Seite 47-55, März-April 1930.

STÖCKER, L. : „Über die uneheliche Mutterschaft der Lehrerin.“ *Neue Generation*, Band 27, Seite 18-23, Januar-Februar-März 1931.

STÖCKER, U. : „Die Unehelichen Kinder adliger Frauen.“ *Neue Generation*, VI, Seite 517, 1910.

SZOKOLA, L. : « Conseiller de la chambre des orphelins, quelques réflexions sur la réforme de la protection de l'enfance en Hongrie. » *Revue*, novembre 1926, page 1000.

TARBELL, I. M. : "The Court of Hope and Good Will." *American Magazine*, January 1914.

TOWNLEY-FULLAM, C. : "Moral and Social Aspects of Illegitimacy in Hungary." *The Forum*, Volume 50, pages 618-630, November 1913.

TROPEANO, PROF. G. : « Assistenza e Previdenza Sociale per la Maternità e per l'Infanzia. » *Rassegna della Previdenza Sociale*, gennaio 1919, pagine 54-63,

VISSER-MOLL, J. M. : « Verslag van de algemeene vergadering der Nederlandsche federatie van instellingen voor de ongehuwde moeder en haar kind. » *Tijdschrift voor armwezen*, 16 : 217-223, 12 Juli 1937.

« Compte rendu de l'assemblée générale de la Fédération néerlandaise des institutions pour la mère non mariée et son enfant. »

Account of the General Assembly of the Netherlands Federation of Institutions for the Unmarried Mother and her Child.

VOGEL : „Moderne Rechtsprechung und Gerichtsbarkeit in China.“ *Technik und Wirtschaft*, 1926, Seite 114-117.

VOGT, P. L. : "A Rural Survey in South-eastern Ohio." *Miami University Bulletin*, Series XI, No. 8, 1913.

WAKEFIELD, SIR C. C. : "The Care of the Unmarried Mother and her Child." *The Child* (London), March 1919.

WATSON, A. E. : "Enforcing Support of Illegitimate Children." *Co-operation*. Philadelphia, December 1915.

WEBER, H. : „Neues Unehelichenrecht in Dänemark.“ *Deutsche Jugendhilfe*, Nr. 29, Seite 426-429, Februar 1938.

ZAMPIS, DR. E. : „Der Schutz der Ziehkinder und unehelichen Kinder.“ *Zeitschrift für Kinderschutz und Jugendfürsorge*, XI. Jahrgang (Juli 1919).

ZILKEN, E. : „Wo steht die Auseinandersetzung um ein neues Unehelichenrecht?“ *Caritas*, Nr. 41, Seite 93-100, März 1936.

ZILKEN : „Die rechtliche Stellung des unehelichen Kindes.“ Sonderdruck der Zeitschrift *Die Christliche Frau*, April 1927.

h) Articles de périodiques non
signés, classés par date

(h) Unsigned Periodicals Arti-
cles classified by Date

"Marriage and the Law of Bastardy." *Edinburgh Review*, Vol. 222, pages 155-172, July 1915.

„Die Probleme der gesetzlichen Regelung der Rechtsstellung der unehelichen Kinder.“ *Deutsches Archiv für Jugendwohlfahrt*. Berlin, 1929.

"The Care of Unmarried Mothers and their Infants." *Maternity and Child Welfare*, No. 16, pages 281-232, 1932.

"The Illegitimate Child in Germany." *Maternity and Child Welfare*, No. 16, page 124, 1932.

« La tutelle des enfants nés hors mariage. » *Française*, N° 27, page 1, 24 novembre 1934.

- „Zur Revision des deutschen Unehelichenrechts.“ *Pro Juventute*, Nr. 16, Seite 48-50, Januar 1935.
- „Reform für deutsche Unehelichenrecht.“ *Zeitschrift für Kinderschutz*, Nr. 27, Seite 72-73, Juli-August 1935.
- « De Nederlandsche federatie van instellingen voor de ongehuwde moeder en haar kind. » *Tijdschrift voor armwezen, maatschappelijke hulp, kindbescherming* 14 : 4453-4455. 7 september 1935.
- « La Fédération néerlandaise pour la protection de la mère non mariée et de son enfant. »
- “ The Netherlands Federation of Institutions for the Unmarried Mother and her Child.”
- « La natalità illegittima in Italia. » *Difesa sociale*, N° 14, pagine 787-788, dicembre 1935.
- « La tutelle des enfants naturels. » *Française*, n° 30, pages 1-2, 8 mai 1937.
- „Das Klagerecht der Mutter im Vaterschaftsprozess.“ *Pro Juventute*, Nr. 8, Seite 267-268, November 1937.
- „Kinderzuschläge für uneheliche Kinder von in öffentlichen Betrieben beschäftigten Kindsvätern.“ *Deutsche Jugendhilfe*, Nr. 29, Seite 384-385. Januar 1938.
- « L'assistenza agli illegittimi riconosciuti dalla sola madre vivente in concubinato. » *Maternità e infanzia*, N° 13, pagine 391-392, novembre-dicembre 1938.

III. RAPPORTS, BROCHURES, ETC., DE CONFÉRENCES INTERNATIONALES OU NATIONALES ET D'INSTITUTIONS OFFICIELLES OU PRIVÉES, CLASSÉS ALPHABÉTIQUEMENT PAR ÉTAT, AUTEUR OU ASSOCIATION

III. REPORTS, LEAFLETS, ETC., OF INTERNATIONAL OR NATIONAL CONFERENCES, AND OF OFFICIAL OR PRIVATE INSTITUTIONS; CLASSIFIED ALPHABETICALLY BY STATE, AUTHOR OR ASSOCIATION.

Allemagne

Germany

- SCHREIBER, ADELE : *(The) Actual Situation of the Unmarried Mother in Germany*. German Red Cross, Berlin, 1925.
- Berichte der Reichstagskommission über den Entwurf des bürgerlichen Gesetzbuchs und des Einführungsgesetzes*. 1895-1897.
- Protokolle der Kommission für die zweite Lesung des Entwurfes des bürgerlichen Gesetzbuches*. Berlin, 1897.
- Local Government Board (England and Wales) Report prepared in the Intelligence Department : *Infant Welfare in Germany during the War*. London, 1918.
- Archiv deutscher Berufsvoormünder Sachverständigenkonferenz*, Dresden, 1928.

Vaterschaftsfeststellung und Verwandtschaft im Unehelichenrecht. Frankfurt am Main, 1926.

Autriche

Austria

AXMANN, J.: "Social Work in Austria." *Proceedings of International Conference of Social Work*, Paris, 1928, Volume I, pages 175-198.
Voir aussi sous Suisse — See also under Switzerland GRIEDER-DIEFENBACH-DONIN.

Belgique

Belgium

Protection de la femme et de l'enfant en Belgique. Œuvre nationale de l'enfant, Bruxelles, 1923.

Royaume-Uni de Grande-Bretagne et d'Irlande du Nord

United Kingdom of Great Britain and Northern Ireland

PROCEEDINGS OF NATIONAL LEAGUE FOR HEALTH, MATERNITY AND CHILD WELFARE, 4, TAVISTOCK SQUARE, LONDON, W.C.1, 1919.

COX, A.: "The Unwanted Babe". Pages 184-191.

GOTTO, MRS.: "Parental Responsibilities in relation to Illegitimacy". Pages 167-176.

KENSINGTON, BISHOP OF: "The Illegitimate Child". Pages 140-145.

NOTT-BOWER, Lady: "The Destitute Unmarried Mother". Pages 135-144.

PARR, R.: "The Legal Position of the Unmarried Mother". Pages 145-149.

ROUTH, A., M.D.: "Causes of Ante-natal, Intra-natal, and Neo-natal Mortality". Pages 8-19.

WHITLEY, W. F. J., M.D.: "Criminal Abortion and Abortifacients, with Special Reference to Illegitimacy." Pages 176-83.

Discussion. Pages 149-166, 191-199.

LEAFLETS OF THE NATIONAL COUNCIL FOR THE UNMARRIED MOTHER AND HER CHILD, LONDON.

Form of Agreement between Parents.

The Mental Deficiency Problem and Maternity and Child Welfare. (1934.)

The Illegitimate Child in Scotland. (1935.)

Some Powers of Local Authorities in England and Wales in regard to the Health and Care of Unmarried Mothers and their Children. (1936.)

NEWSHOLME, H. P., DR.: *The Illegitimate Child: A Challenge to Society.* (1936.)

The Unmarried Mother: A Few Notes for Student Health Visitors. (1936.)

A Few Points of the Law of England and Wales relating to Unmarried Mothers and Illegitimate Children. (1937.)

HORSBRUGH, F. : *The Adoption of Children*. Address by Miss F. Horsbrugh, M.P., Chairman of the Departmental Committee on Adoption Societies and Agencies. (1938.)

Children undertaken for Reward. Notes on child-life protection, with special reference to the co-operation of voluntary organisations with local welfare authorities. (1938.)

Royal Commission on the Poor Laws and Relief of Distress. Report, Part VIII, Chapter 4. (Parliamentary paper, Cd. 4499.) Wyman and Sons, Ltd., London, 1909.

Local Government Board (England and Wales). Report prepared in the Intelligence Department. *Infant Welfare in Germany during the War*. London, 1918.

National Council for the Unmarried Mother and her Child (and for the Widowed or Deserted Mother in Need). Report. Evelyn House, 62, Oxford Street, London, W.1, 1919.

National Conference on Infant Welfare, held at Kingsway Hall, London, on July 1st, 2nd and 3rd, 1919. Report of the National (*English*) Council for the Unmarried Mother and her Child. (*The Unmarried Mother and her Child in England and Wales*). Welbeckson Press, London, 1924.

Etats-Unis d'Amérique

United States of America

ALABAMA : National Child Labor Committee, New York. *Child Welfare in Alabama*. Chapter : " Child-caring Institutions...", L. Bidgood.

AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, ANNALS OF THE : May 1918. " The Illegitimate Family."

AMERICAN ASSOCIATION FOR THE STUDY AND PREVENTION OF INFANT MORTALITY, ANNUAL PROCEEDINGS OF : 1911. " The Illegitimate Child," by H. H. Hart.

BIDGOOD, L. : *Voir sous* — See under ALABAMA.

DONAHUE, A. M. : " The Case of an Unmarried Mother who has cared for her Child and succeeded." *National Conference of Social Work*, 1917, page 282.

DRURY, L. : *Voir sous* — See under WISCONSIN.

FISHER, H. M. : " The Legal Aspects of Illegitimacy." *National Conference of Social Work*, 1917, page 294.

HART, H. H. : " The Illegitimate Child and its Place in the Community." *Juvenile Court Record* (Chicago), June 1910.

See also under — *Voir aussi sous* AMERICAN ASSOCIATION.

ILLINOIS : *Proceedings of Conference of Charities and Corrections* (1896), page 20.

INDIANA : Report of State Board of Charities, especially for 1909 and 1910.

- : University. Reports of Department of Social Service. *Proceedings of National Prison Association*. Indianapolis, 1910.
- LUNDBERG, E. O. : "Illegitimacy in Europe as affected by the War." *National Conference of Social Work*, 1917, page 299.
- MCGREGOR (MRS.), J. B. : "Social Problems related to Illegitimacy; the Children of Unmarried Parents." *Proceedings of National Conference of Social Work*, 1924, page 151-157.
- MARMETER, MRS. L. S. : "The Case of an Unmarried Mother who has cared for her Child and failed." *National Conference of Social Work*, 1917, page 287.
- MASSACHUSETTS : General Hospital, Reports of Social Service Departments of.
- : Boston Conference on Illegitimacy, Studies of. 1914.
- : Boston Conference. *A Manual of Laws relating to Illegitimacy in Massachusetts*.
- : Society for helping Destitute Mothers and Infants (Boston). Annual Report, 1917/18.
- : Annual Reports of State Board of Charity.
- MINNESOTA CHILD WELFARE COMMISSION, REPORT OF : Reports of State Board of Control.
- MISSOURI : Children's Code Commission, Reports of. 1916 and 1918. State Board of Charities and Corrections. *Bulletin*. December 1920.
- NATIONAL CONFERENCE OF SOCIAL WORK : *Voir sous* — See under DONAHUE, FISHER, LUNDBERG, MARMETER, MCGREGOR, WEIDENSALL, STONEHAN.
- NEW HAMPSHIRE : Report of the Children's Commission, 1914. Drury, Dreyer.
- NEW YORK : Report of State Board of Charities, Annual. *Proceedings of New York State Conference of Charities and Corrections* (1921), pages 162-67; (1922), pages 191-195.
- OHIO : *Cleveland Conference on Illegitimacy*. "The Unwed Mother and her Child." 1916.
- "The Unmarried Mother and her Child." *Ohio Bulletin of Charities and Corrections*, June 1918.
- PARKER, I. R. : A Follow-up Study of 550 Illegitimacy Applications. Research Bureau on Social Case Work, Boston, 1924.
- PENNSYLVANIA : Bureau of Municipal Research, Philadelphia. *Unmarried Mothers in the Municipal Court of Philadelphia*. Thomas Skelton Harrison Foundation, 1933.
- STONEHAN, A. H. : "Safeguarding Adoptions, legally and socially." *Proceedings of National Conference of Social Work* (1924), page 144.
- WHITE HOUSE CONFERENCE ON CHILD HEALTH AND PROTECTION : *Dependent and Neglected Children* (New York, 1933), pages 251-275.
- WEIDENSALL, J. : "The Mentality of the Unmarried Mother." *National Conference of Social Work*, 1917, page 287.

WISCONSIN : "Unmarried Mother and her Child." *Proceedings of the Wisconsin State Conference of Social Work*, 1918, pages 61-68.
Wisconsin Vice-Committee of National Conference of Social Work, Report and Recommendations of, 1914.

Danemark

Denmark

DREYER, E. : (The) "Social Legislation of Denmark." *Proceedings of the International Conference of Social Work*. Volume 1 of 1928, pages 305-334.

France

MOUTET, A., M.D. : "Illegitimacy in France." *Proceedings of the International Conference of Women Physicians*, 1919, pages 21-33. Published by (New York City) Woman's Press, 1920.

Hongrie

Hungary

DE LUKACS, C. : "Social Work in Hungary." *Proceedings of the International Conference of Social Work*. Volume 1 of 1928, pages 407-437.

Norvège

Norway

BANG, D., M.D. : "Illegitimacy in Norway." *Proceedings of the International Conference of Women Physicians*. 1919, volume 6, pages 83-87. Woman's Press, New York, 1920.

Pays-Bas

Netherlands

CHARITIES : *Holland's Care of Helpless Mothers*. Volume 20, June 27, 1908. Nederlandsche Federatie van instellingen voor de ongetrouwde moeder en haar kind.

Fédération néerlandaise des institutions pour la protection de la mère non mariée et de son enfant.

Dutch Federation of Institutions for the Protection of the Unmarried Mother and her Child.

Rapports de 1932-1937. Reports of 1932-1937.

Suisse

Switzerland

GRIEDER-DIEFFENBACH-DONIN : „Die wechselseitige Vollstreckbarkeit deutscher, österreichischer und schweizerischer Alimententitel (Urteile, Verurteilungen, aussergerichtliche Verpflichtungsurkunden).“ Bericht zur Züricher Tagung, 1914.

Exposé des motifs de l'avant-projet du Département de Justice et Police du 15 novembre 1900.

Procès-verbaux de la Commission d'experts du Code civil. Berne, 1901-1902.

Message du Conseil fédéral à l'Assemblée fédérale concernant le projet de Code civil suisse du 28 mai 1904.

Bulletin sténographique officiel de l'Assemblée fédérale suisse. Volumes XV et XVII.

Union des Républiques sovié-
tiques socialistes

Union of Soviet Socialist Re-
publics

SEMACHEKO, N. : "Social Insurance in the Union of Soviet Socialist Republics." *Proceedings of the International Conference of Social Work. Volume I of 1928, pages 546-554.*

Brochures, etc., divers

Pamphlets, etc., Miscellaneous

BRÜCK, H. VOR DER : *Die rechtliche Stellung des unehelichen Kindes nach den Gesetzesentwürfen von 1925 und 1929.*

GROB : „Anerkennung und Zusprechung mit Standesfolge in ,Vaterschaftsfeststellung und Verwandtschaft im Unehelichenrecht.“ *Flugschrift des Archivs der Berufsvoormünder, Heft 3, Seite 52.*

INTERNATIONAL COUNCIL OF WOMEN : *Women's Position in the Laws of the Nations.* Karlsruhe, 1912.

KÜBEL, O. H. H. : *Die Rechtsstellung des unehelichen Kindes gegenüber seinem Vater (unter Ausschluss von Legitimation und Adoption) in der deutschen Reform, mit besonderer Berücksichtigung der neueren europäischen Rechte.* B. Sporn, Zeulenroda in Thüringen, 1934.

LUTING MATEN, J. H. : *De onderhoudsplicht van den vader tegenover zijn natuurlijke, niet-erkende kind volgens het Nederlandsch internationaal privaatrecht.* Kemink, Utrecht, 1937.

« Obligations alimentaires du père à l'égard de son fils naturel, non reconnu, d'après le droit privé international néerlandais. »

Maintenance obligations of the father in respect of an unrecognised natural son, according to Netherlands international private law.

ROBILANT, D., Contessa di : *L'assistenza obbligatoria agli illegittimi riconosciuti ; note ed appunti di assistenza sociale.* V. Bona, Torino, 1937.

WASSER, H. : *Uneheliche Vaterschaft und Vaterschaftsanerkennung im Bürgerlichen Gesetzbuch und in den Entwürfen von 1925 und 1929, etc.* Gatzert & Hahn, Schramberg (Württemberg), 1933.

WIESENDANGER : „Begriff der erheblichen Zweifel an der Vaterschaft.“ *Flugschrift des Archivs der Berufsvoormünder, Heft 3, Seite 52.*

WULF, A. : „Die uneheliche Mutter und ihr Kind; eine sozialstatistische Untersuchung als Beitrag zur Reform des Unehelichenrechts.“ : *Aufbau und Ausbau der Fürsorge, Heft 21.* Lühle & Co, Leipzig, 1935.

IV. ENCYCLOPÉDIES

ENCYCLOPÆDIA BRITANNICA : Volume 12. London and New York Encyclopædia Britannica Company, 1929. Pages 84-85 : "Illegitimacy", by S. de Jastrzebski.

CATHOLIC ENCYCLOPEDIA : Volume 7. Robert Appleton Company, New York, 1910. Pages 650-653. "Illegitimacy", by John A. Ryan.

ENZYKLOPÄDIE VON HOLTZENDORFF-KOHLER : 7. Auflage, Band 2. „Überblick über das englische Privat-Recht“, by Heymann.

INTERNATIONAL ENCYCLOPEDIA : Article on Illegitimacy.

INTERNATIONAL LAW : British Yearbook of, 1920-1925. "The Laws of Maintenance and Affiliation."

JEWISH ENCYCLOPEDIA : Volume 2. London and New York, Funk and Wagnalls Company, 1902. Page 587 : "Bastard", by Lewis H. Dembitz.

ENCYCLOPEDIA OF LAW : American and English. Twentieth edition. Supplement. Volume V. Article on Bastardy.

ENCYCLOPEDIA OF LAW AND PROCEDURE : Article on Bastardy.

RECHTSVERGLEICHENDES HANDWÖRTERBUCH : Berlin, 1927. Artikel : „Rumänien“, vom Gerota, D. Artikel : „Spanien“, vom Perles, L.

SOCIAL REFORM : New Encyclopedia of, New York, 1908. Article by Bliss, W. D. P.

V. STATISTIQUES

V. STATISTICS

AMERICAN STATISTICAL ASSOCIATION : Publications of. No. 54, June 1901, page 314.

UNITED STATES BUREAU OF THE CENSUS : *Birth Statistics 1918*. Fourth Annual Report. *Marriage and Divorce. Infant Mortality*.

Series

No. 3. *Result of a Field Study in Johnstown, Pennsylvania*.

No. 4. *Monclair, N. J. : A Study of Infant Mortality in a Suburban Community*.

No. 6. *Results of a Field Study in Manchester*. New Hampshire.

Birth, Stillbirth, and Infant Mortality Statistics for the Birth Registration Area of the United States of America.

DUFAU, P. A. : *Traité de statistiques ou théorie de l'étude des lois d'après lesquelles se développent les faits sociaux*. Paris, 1840.

FROZIER, E. FRANKLIN : "Analysis of Statistics on Negro Illegitimacy in the United States." *Social Forces*, Volume 11, pages 249-257, December 1932.

GREAT BRITAIN, REGISTRAR-GENERAL : *Statistical Review of England and Wales for the Year 1931*. (New annual series, No. 11 (in 3 volumes)). His Majesty's Stationery Office, London, 1932.

- GREAT BRITAIN, REGISTRAR-GENERAL : *England and Wales : Seventy-third Annual Report of the Registrar-General of Births, Deaths and Marriages.*
- GUERRYFA, M. : *Statistiques morales de l'Angleterre comparées avec la statistique morale de la France.* Paris, 1864.
- HANAUER, DR. : „Uneheliche Geburten bei den Juden.“ *Jahrbuch für nationalökonomie und Statistik*, Band 132, Seite 902-911, Juni 1930.
- HECKE, WILHELM : (Die) „Unehelichen in Österreich.“ *Jahrbuch für nationalökonomie und Statistik*, Band 132, Seite 572-591, April 1930.
- INSTITUT INTERNATIONAL DE STATISTIQUE : *Aperçu de la démographie des divers pays du monde* (1929).
- Statistique internationale du Mouvement de la Population, années 1901 à 1910.* Paris, 1913.
- LEXIS : *Moralstatistik im Handwörterbuch der Staatswissenschaftler.* Vol. VI. Fischer, Jena, 1910.
- WEBB, A. D. : *The New Dictionary of Statistics.* London, 1911. Article on Birth Rates.
-